

**STATE
OF
ARKANSAS
ELECTION OFFICIAL TRAINING
TRAINERS' GUIDE**

A Guide to Assist Election Officials on Election Day



**Provided by the:
State Board of Election Commissioners
501 Woodlane, Suite 122
Little Rock, AR 72201
501-682-1834
1-800-411-6996
www.state.ar.us/sbec**

2004 Edition

The State Board of Election Commissioners is charged with conducting statewide training of election officials and county election commissioners prior to regularly scheduled preferential primary elections, developing procedures for monitoring attendance, and determining the method and amount of compensation for attending training.

Pursuant to the “Rules for Election Officials Training” that were officially promulgated by the State Board under the Administrative Procedure Act, the county board of election commissioners for each county shall designate two (2) qualified electors of the county to attend training conducted by the State Board of Election Commissioners for the purpose of being certified by the State Board as election official trainers for the county.

Pursuant to Arkansas Code Annotated § 7-4-109, the county board of election commissioners for each county must designate two (2) election officials per polling site to attend election official training conducted by certified trainers and coordinated by the State Board of Election Commissioners.

Pursuant to Arkansas Code Annotated § 7-4-107(b)(1)(B), at least one (1) election official at each polling site on election day must have attended election training coordinated by the State Board.

Election official training was developed by the State Board of Election Commissioners to:

- outline duties and responsibilities of election officials,
- outline legal procedures before, during, and after polling hours,
- outline potential voting day dilemmas and their solutions,
- outline procedures for conducting elections pursuant to the National Voter Registration Act of 1993 and the Help America Vote Act of 2002,
- outline poll watcher and electioneering guidelines, and
- answer commonly asked questions.

The State of Arkansas' election official training is available to all election officials for assistance in efficiently and effectively executing election day duties and responsibilities.

Thank you for your cooperation, patronage, and service as an election official for the State of Arkansas. Good Luck on Election Day!

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Section One

Helpful Resources

For questions about investigation of election irregularities, training, and reimbursement for state-funded elections:

State Board of Election Commissioners

501 Woodlane, Suite 122

Little Rock, AR 72201

Phone: 501-682-1834 OR 1-800-411-6996

Fax: 501-682-1782

Internet site: www.state.ar.us/sbec

For questions on election law, candidate qualifications and filing procedures:

Secretary of State

Elections Division

State Capitol, Room 026

Little Rock, AR 72201

Phone: 501-682-5070 OR 1-800-482-1127

Fax: 501-682-3408 OR 501-682-3548

Internet site: www.sosweb.state.ar.us

For questions on campaign finance and disclosure requirements:

Arkansas Ethics Commission

910 West Second Street, Suite 100

Little Rock, AR 72201

Phone: 501-324-9600 OR 1-800-422-7773

Fax: 501-324-9606

Internet site: www.arkansasethics.com

The recognized political parties of Arkansas are:

Democratic Party of Arkansas

1300 West Capitol Avenue

Little Rock, AR 72201

501-374-2361

Republican Party of Arkansas

1201 West Sixth Street

Little Rock, AR 72201

501-372-7301

Your county clerk: _____

Phone: _____

Your county prosecuting attorney: _____

Phone: _____

Your county election coordinator (if any): _____

Phone: _____

Your county sheriff: _____

Phone: _____

General Information

Who is the State Board of Election Commissioners? [§ 7-4-101(a), (b)]

The State Board of Election Commissioners consists of a six (6) member staff, with the director serving at the pleasure of a seven (7) member Board. The Board is comprised of:

- the Secretary of State serving as Chair of the State Board,
- one person designated by the chair of the State Democratic Party,
- one person designated by the chair of the State Republican Party,
- one person chosen by the President Pro Tempore of the Senate,
- one person chosen by the Speaker of the House of Representatives,
- two (2) persons chosen by the Governor, one (1) of whom shall be a county clerk and one (1) of whom shall have formerly served for at least three (3) years as a county election commissioner.

What are the responsibilities of the State Board of Election Commissioners?

The State Board of Election Commissioners is responsible for various duties associated with conducting elections, including:

- funding political party primary elections, nonpartisan judicial general elections, and statewide special elections, including establishing filing fees for nonpartisan judicial offices for covering the cost of election expenses, [§ 7-7-201(a)]
- publishing a candidate handbook outlining the legal obligations of candidates running for public office, [§ 7-4-101(f)(1)]
- coordinating and conducting statewide training of election officials and county election commissioners, including adopting rules and developing procedures for monitoring attendance and determining the method and amount of compensation for attendance, [§§ 7-7-4-101(f)(2) and (3); 7-4-109(f)]
- monitoring all election law-related legislation, [§ 7-4-101(f)(4)]
- formulating, adopting, and promulgating all necessary rules to assure fair and orderly elections, [§ 7-4-101(f)(5)]
- assisting local election authorities with implementing Title II requirements of the Americans with Disabilities Act, [§ 7-5-311(b)]
- appointing certified election monitors for the purpose of observing the conduct of an election and reporting to the State Board, upon a determination of necessity by the State Board, [§ 7-4-101(f)(6)(A)]
- assisting the county election commissions in the performance of administrative election duties, if required, [§ 7-4-101(f)(7)]
- approving third member appointments to the county election commissions, [§ 7-4-102(b)(1)]
- examining, approving, and certifying new election equipment [§§ 7-5-503, 7-5-606], and

- reviewing and certifying the names and titles of candidates filing for federal, state, or district office to the Secretary of State, and [§ 7-7-305(c)(2), (3)]
- investigating alleged violations, rendering findings, and imposing disciplinary actions for violations of election and voter registration laws, including the imposition of fines. [§§ 7-4-101(f)(8)]; 7-4-118]

Who is the County Board of Election Commissioners? [§7-4-102(a), (b)]

County election commissioners are local election officials responsible for conducting all elections in their respective counties. Each of the 75 counties in the State of Arkansas has a county board of election commissioners comprised of three (3) members:

- one member appointed by the county committee of the majority party (generally, the county committee chair),
- one member appointed by the county committee of the minority party (generally the county committee chair), and
- one member appointed by the State Board of Election Commissioners from a certified list of five nominees submitted by the county committee of the majority party.

Majority Party Member

Name: _____ Phone: _____

Minority Party Member

Name: _____ Phone: _____

Third Member

Name: _____ Phone: _____

What are the responsibilities of the County Board of Election Commissioners?

The County Board's responsibilities include:

- altering the boundaries of existing election precincts, [§ 7-5-101(a)(1)]
- establishing new election precincts, [§ 7-5-101(a)(1)]
- establishing a polling site for each election precinct, [§ 7-5-101(a)(2)(A)]
- selecting and appointing election officials, [§§ 7-4-107(b)(1)(A); 7-5-414(a); 7-5-418(b)(2); 7-7-203(e)]
- providing public notice of the date of the election, the hours of voting on election day, and polling sites for holding elections, [§ 7-5-202(a)]
- providing public notice of the candidates and offices to be elected, [§ 7-5-202(a)]
- conducting off-site early voting, if so decided, [§7-5-418]
- providing ballots for absentee and early voting and voting on election day, [§§ 7-5-210(a); 7-5-211(c); 7-5-407; 7-7-305(a)]
- preparing, testing, and demonstrating voting equipment,

- providing election materials to the election officials, [§ 7-5-211(a)(2)]
- completing a canvass of the returns of any election, [§§ 7-5-701(a)(1); 7-7-203(g)(1); 7-7-309]
- certifying the results of elections, [§§ 7-5-701(a)(1); 7-7-203(g)(1); 7-7-309], and
- providing a recount of the returns upon the petition of a candidate or upon its own motion. [§ 7-5-319(a)(1) and (b)]

Who are election officials and what are their qualifications?

An election official is any person who is a member of the county board of election commissioners or any person designated by the county board of election commissioners as a poll worker. [§ 7-1-101(9)]

Election officials designated as poll workers:

- must be qualified electors of this state, [§ 7-4-109(a)(1)]
- must be able to read and write the English language, [§ 7-4-109(a)(1)]
- must be residents of the precincts in which they serve at the time of their appointment, unless it is impossible to obtain qualified election officials for any precinct, in which case, the county board can designate other qualified citizens of the county to serve in the precinct, [§ 7-4-109(b)]
- must not have been found guilty or pled guilty or nolo contendere to the violation of any election law of this state, [§ 7-4-109(a)(1)]
- must not be paid employees of any political party, [§ 7-4-109(c)]
- must not be paid employees of any person running for any office, [§ 7-4-109(c)]
- must not be married to or related within the second degree of consanguinity to any candidate running for office in the current election, if objection is made to the county board of election commissioners within ten (10) calendar days after the posting or publishing of the list of election officials, [§ 7-4-109(e)]
- must not hold at the time of the election any office, appointment, or employment in federal, state, county, or city government, [Art. 3, § 10 of the Arkansas Constitution]
- must not hold at the time of the election any office, appointment, or employment with any municipal board, commission, or trust in any city, except justices of the peace, aldermen, notaries public, and members of the military, [Art. 3, § 10 of the Arkansas Constitution]
- must not be candidates for any office to be filled at an election at which they shall serve, [Art. 3, § 10 of the Arkansas Constitution]
- may be high school or college students paid to be poll workers if over 18 years of age and meet all other qualifications of an election official, and [§§ 7-4-116; 7-4-117]
- may serve as unpaid election pages if under 18 years of age. [§§ 7-4-116; 7-4-117]

What are the major types of elections?

Primary Elections

- Include preferential primary elections and general primary (runoff) elections
- Any election held by a political party for the purpose of selecting party nominees as candidates for election at any general or special election for any federal, state, district, county, township, and municipal office [§§ 7-1-101(21); 7-7-202(a)]
- Primary elections are held in May on the Tuesday three (3) weeks prior to the general primary (runoff) election. [§§ 7-7-203(b); 7-8-101]
- General primary (runoff) elections are held on the second Tuesday in June preceding the general election. [§§ 7-7-203(a); 7-8-101]

General Elections

- Include general elections and general runoff elections (county and municipal office only)
- Regularly scheduled biennial elections for the purpose of electing federal, state, district, county, township, and municipal officials, and for the purpose of submitting proposed amendments to the Arkansas Constitution or other questions to a vote of the people. [§§ 7-1-101(13); 7-5-204]
- General elections are held in even-numbered years on the Tuesday next after the first Monday in November. [§ 7-5-102]
- General runoff elections are held three (3) weeks following the date of the general election. [§ 7-5-106(a)]

Nonpartisan Judicial Elections

- Elections for the purpose of filling the nonpartisan offices of Supreme Court Justice, Judge of the Court of Appeals, circuit judge, and district judge (formerly municipal judge) [§ 7-10-101(1)]
- General elections for nonpartisan judicial offices are held on the same dates and at the same times and places as provided by law for preferential primary elections. [§ 7-10-102(b)(1)]
- Runoff elections for nonpartisan judicial offices are held on the same date and at the same times and places as the November general election. [§ 7-10-102(c)(2)]

Special Elections

- Elections for the purpose of filling vacancies in federal, state, district, county, township, and municipal offices, or for the purpose of approving any measure. [§ 7-1-101(13)]
- Special elections to fill vacancies or to resolve a tie vote are held on the second Tuesday of any month at the time specified in the proclamation issued by the appropriate constituted authority, but no earlier than thirty (30) days following the issuance of the proclamation. This does not apply to special-issue elections, such as special tax elections. [§ 7-5-103, 14-14-917(a)]

School Elections

- Elections for the purpose of electing school district directors
- School elections are held in each school district of the state on the third Tuesday in September. [§ 6-14-102(a)]
- Special school elections are held on the second Tuesday of any month. [§6-14-102(d), 6-14-105]

Section Two

Early Voting

All counties, regardless of size, are now allowed to conduct early voting at additional sites outside the county clerk's office. The county board must vote unanimously on the location of the off-site early voting polls. Upon such a decision by the board, the county clerk may decide not to hold early voting at the clerk's office. The board must notify the clerk of its decision so that the clerk can publish the additional hours and location of additional early voting polling sites in a newspaper of general circulation in the county at least five days before the beginning of early voting.

The county board shall select and appoint enough election officials to adequately staff each additional early voting location as they would a polling site on election day. Any early voting in a primary, general primary, general or general runoff election must take place beginning 15 days prior to the election and on any of the following days and times: between the hours of 8:00 a.m. and 6:00 p.m. Monday through Friday, and 1:00 p.m. to 4:00 p.m. Saturday, ending at 6:00 p.m. on the Monday before the election. On all other elections (school board and special elections) early voting shall be available during regular office hours at the offices of the county clerk, beginning 15 days before the election and ending on the day before the election at the time the clerk's office regularly closes.

Before the Polls Open

Preparing the Polling Site

Polling sites should have the following election materials available on site. Counties may adapt the election materials to best suit the type of voting equipment in use and to accommodate the county's particular needs.

Supplies

- pens, pencils, and pads
- tape
- magnifying sheet/glass
- one hundred foot (100') spool of string (for marking electioneering area)
- official ballots/vote cards [§§ 7-5-210; 7-7-305]
- candidate and issue labels [§ 7-5-611]
- ballot label (voting machines) [§ 7-5-511(b)]
- voting booths [§ 7-5-309(a)(1)]
- permanent ink pens (paper ballots count by hand) [§ 7-5-212]
- marking instruments recommended by the manufacturer (optical scan)

- equipment) [§ 7-5-211(a)(2)(H)]
- “Spoiled Ballot” envelopes [§ 7-5-313(b)]
- “Provisional Ballot” envelopes [§§ 7-5-211(a)(2)(G); 7-5-312(b)(1)(B)]
- “Provisional Voter” envelopes [§§ 7-5-211(a)(2)(G); 7-5-312(b)(1)(C)]
- envelopes to seal voted ballots (paper ballot count by hand) [§§ 7-5-211(a)(2)(E); 7-5-317(a)(3)(A)]
- envelopes to seal unused ballots (paper ballot count by hand) [§§ 7-5-211(a)(2)(E); 7-5-317(a)(3)(A)]
- envelopes for keys (voting machine) [§§ 7-5-512(b)(2); 7-5-519]
- container with numbered seals for enveloped voted/unvoted ballots (paper ballot count by hand, centralized tabulating equipment) [§§ 7-5-317(a)(3)(A); 7-5-614(b)(1)]
- certificates envelopes [§ 7-5-211(a)(2)(E)]
- ballot boxes [§§ 7-4-107(a); 7-5-211(a)(2)(A)]
- numbered ballot box seals [§ 7-5-211(a)(2)(A)]
- stub boxes [§ 7-5-317(a)(4)]

Before opening the polls, election officials should inspect the election supplies to verify that all needed forms are available. [§7-5-301]

Forms

- “Oath of Election Officials” [§ 7-5-211(a)(2)(F)]
- “Precinct Voter Registration List” [§§ 7-5-107(a); 7-5-211(a)(2)(C)]
- “List of Voters” form [§ 7-5-211(a)(2)(B)]
- “List of Persons Assisting Voters” [§§ 7-5-310(b)(4); 7-5-523(a)(5)]
- “Spoiled Ballot Affidavit” [§ 7-5-313]
- “Challenged Ballot Form” [§§ 7-5-211(a)(2)(G); 7-5-312(a)(3)]
- “List of Provisional Voters” form [§7-5-312(b)(1)]
- “Voter Complaint Form” (voting machine) [§ 7-5-510]
- “Change in Polling Site Authorization Form”
- “Voter Registration Application” forms [§ 7-5-211(a)(2)(G)]
- “Ballot Accounting Form” [§ 7-5-707(a)]
- “Election Officials Training Attendance Form – 2004”
- tally sheets (paper ballot count by hand, precinct automatic tabulating equipment) [§§ 7-5-211(a)(2)(D); 7-5-315(3); 7-5-613(3)]
- tabulation blanks (voting machines) [§§ 7-5-512(b)(3); 7-5-527(a)(4)]
- Certificates of Election Results (paper ballot count by hand, voting machine, precinct automatic tabulating equipment) [§§ 7-5-211(a)(2)(F); 7-5-315(6); 7-5-526(b); 7-5-613(4)]

Before opening the polls, election officials should post the following information and signs within and around the polling site as required by law.

Displays

- the public notice [§ 7-5-202(c)(1)]
- sample ballots for that poll [§§ 7-5-202(c)(2); 7-5-608]
- two (2) sample ballot labels or diagrams (voting machine) [§§ 7-5-512(b)(1); 7-5-608]
- two (2) copies of all constitutional amendments and acts to be voted upon [§ 7-5-302(2)]
- two (2) copies of instructions on how to vote, including instructions for fail-safe and provisional voting [§§ 7-5-202(c)(3); 7-5-302(1)]
- general information on federal and state voting rights [§7-5-202(c)(4)]
- general information on the right of an individual to cast a provisional ballot with instructions on how to contact the appropriate official if their rights are alleged to have been violated [§ 7-5-202(c)(4)]
- general information on federal and state laws on prohibitions on acts of fraud and misrepresentation [§ 7-5-202(c)(5)]
- “Notice on Electioneering” [§ 7-1-103(a)(9)]
- “Vote Here” signs (General, Special, and Runoff Elections) [§ 7-4-107(b)(3)]
- ADA signs [§ 7-5-311(e)]

School Election Materials

The State Board of Education shall prepare and provide to the county boards of election commissioners on request one school election kit per polling site at least 30 days prior to the annual school election.

Arrangement

The arrangement of the polling site is vital to managing the orderly flow of voters through the polling site.

In counties using paper ballots, the county board of election commissioners must provide each polling site with at least one (1) voting booth for every fifty (50) registered electors voting in the last-preceding comparable election [§ 7-5-309(a)(1)]. Each voting booth

- must be furnished with the necessary supplies to enable the voter to prepare his/her ballot and situated so as to allow the voter to be screened from observation [§ 7-5-309(a)(2)], but
- must be situated in the polling site in plain view of election officials. [§ 7-5-309(a)(3)]

In counties using voting machines, each voting machine

- must be in plain view of the election officials, and
- arranged so that no person can observe how the voter casts his/her ballot. [§ 7-5-521]

No person other than election officials and voters is permitted within six feet (6') of the voting booths or voting machines. Election officials must ensure that the voting area is secure and provides the voter with privacy in marking his/her ballot. [§§ 7-5-309(a); 7-5-310(a); 7-5-521; 7-5-607]

The voter's

- first stop should be with an election official(s) working the precinct voter registration list(s).
- second stop should be with an election official working the list of voters and dispensing ballots.
- third stop should be the voting booth where the voter is allowed five (5) minutes to mark his/her ballot. [§ 7-5-309(b)(1)(B)]
- fourth stop should be at the ballot box. The voter should personally separate the ballot from the ballot stub on the perforated line and deposit the ballot in the ballot box. [§ 7-5-309(b)(2)]
- final stop should be at the stub box. The voter should personally deposit the ballot stub in the ballot stub box. [§ 7-5-309(b)(2)]

After having voted, the voter must immediately depart from the polling site. [§§ 7-5-309(d); 7-5-522(b)]

Machine Preparation

In counties using **voting machines**, the election officials must

- verify that the machine counters register zero (000),
- produce one (1) "before-election proof sheet," if the machine is provided with a device for embossing, printing, or photographing candidate and question counters,
- sign the prescribed certificate and post the proof sheet in the polling area,
- unlock the machine for voting, and
- place the keys in a sealed envelope signed by each election official. [§§ 7-5-518; 7-5-519]

In counties using **automatic tabulating equipment**, the election officials must

- generate a printed record at the beginning of the tabulation operation and verify that the tabulating elements for each candidate position, each question, and the public counter are all set to zero (0) [§§ 7-5-611; 7-5-614(c)(3)(A)], and
- sign the printed record as verification that all elements are set to zero (0).

In counties using a **punch card system**, the election officials should

- use a demonstrator ballot to test the marking devices for verification that the ballot can be punched through.

In counties using **DRE machines**, the election officials should

- verify that the machines read "zero".

1. List six (6) things to do prior to opening the polls.

- a) Inspect the polling site.
- b) Inspect the election supplies. [§ 7-5-301]
- c) Attest to the number of ballots delivered to the polls. [§7-5-707]
- d) Arrange the polling site for an orderly flow. [§§ 7-5-309(a)(2),(3),(4); 7-5-521; 7-5-607]
- e) Complete election official oaths. [§§ 7-1-103(a)10; 7-4-110]
- f) Be prepared to open the polling site at 7:30 a.m. [§ 7-5-304]

2. Before the polls open, election officials must:

- a) go to the bathroom.
- b) post at least two (2) copies of instructions to voters (including instructions for fail-safe voting procedures), and two (2) copies of all constitutional amendments and acts to be voted on in a conspicuous place in the polling area. [§ 7-5-302]
- c) pace back and forth vigorously to increase blood circulation.

3. What time do election officials open the polls?

- a) 7:00 a.m.
- b) when the election officials decide to show up for work
- c) 7:30 a.m. [§ 7-5-304]
- d) 7:30 p.m.

4. How many minutes in advance of opening the polls should the election officials have the polls ready for voting?

- a) 30 minutes
- b) one (1) hour
- c) 15 minutes
- d) whenever you feel you are ready to open

5. What if an election official does not arrive to work?

- a) Forget about it.
- b) Have him/her arrested when he/she arrives.
- c) Grab a volunteer to help.
- d) Immediately contact your county election commission. [§ 7-4-108]

6. What is the appropriate response if any of the election materials are missing?

- a) Go to Wal-Mart and buy what's needed.
- b) Immediately contact your county election commission. [§ 7-5-211(a)(2)]
- c) Do without them.
- d) Call the police for an investigation.

7. When should all election officials complete their oath to serve?

- a) before the polls open [§§ 7-1-103(a)(10); 7-4-110(a)]
- b) by January 1 of the closest year
- c) whenever the county clerk has time
- d) at the close of the polls on election day

8. If you are unable to serve on election day, you must notify:

- a) an election coordinator.
- b) an election commissioner. [§ 7-4-108]
- c) another designee.
- d) a, b, or c, depending on your county.

Section Three

During Election Hours

Conflict Resolution

It is likely at some time during any election that at least one voter will be difficult to deal with due to anger over an error or problem. It is important to remain calm and try to resolve the situation.

- Never raise your voice to a member of the public.
- If you are too emotionally involved in a specific situation, turn it over to another election official who may be less emotionally “invested”.
- If a voter is belligerent or violent, do not hesitate to call the county election commission or local law enforcement authorities. Keep the phone numbers handy at all times.
- Try to avoid disruption of the voting process by moving the person or discussion outside of the voting area.
- Contact your county election commission to advise them of any situation that arises, as it is ultimately their responsibility to ensure the smooth conduct of the election.

Election Information

- If a voter is unable to provide identification, the election official shall indicate on the precinct voter registration list that the voter **did not** provide identification, and the voter proceeds to vote a regular ballot. [§ 7-5-305(a)(8)(B)(i)]

NOTE: A first-time voter who registers by mail without providing ID when registering, and wants to vote in person but who does not meet the ID requirements of 7-5-305(a)(8)(A) may cast a provisional ballot.

- VOTERS **MUST** SIGN THE PRECINCT VOTER REGISTRATION LIST BEFORE BEING PERMITTED TO VOTE IN ANY ELECTION. [§§ 7-5-305(a)(7); 7-7-308(a)(7)]
- If a voter is unable to sign or make his/her mark, the election official **must** initial and enter the voter’s date of birth on the voter signature line on the precinct voter registration list. [§§ 7-5-305(a)(7); 7-7-308(a)(7)]

Primary Election Information

- In a primary election, the voter must state in which party primary he/she wishes to vote. [§ 7-7-308(b)]
- If a nonpartisan judicial election is being held simultaneously with the primary, the voter may wish to only vote the nonpartisan judicial election and must state such. [§ 7-10-102(b)(2)]
- **Note:** No voter is required to vote in a political party’s preferential primary in order to be able to vote in nonpartisan judicial elections. [§ 7-10-102(b)(3)]
- In a primary election, no voter may cast a ballot in more than one (1) party primary election. [§§ 7-1-103(a)(19)(A); 7-1-103(a)(20)(B); 7-1-104(a)(8)]

- In a primary election, the election official **must** mark the precinct voter registration list indicating in which political party primary the voter casts a ballot, such as “D” for “Democratic” and “R” for “Republican.” [§ 7-7-308(b)]
- **Note:** It is unlawful for a person to vote in the preferential primary of one political party and then vote in the runoff election of another political party. [§ 7-1-103(a)(19)(B)]
- If a nonpartisan judicial election is being held simultaneously with the primary, and the voter wishes to only vote the nonpartisan judicial election, the election official must mark the precinct voter registration list, such as “J” for “Judicial only.”
- If a qualified elector votes using a separate nonpartisan judicial general election ballot at any time during the election process, whether absentee, early, or at the poll on election day, that elector is ineligible to vote a preferential primary election ballot at a later time during the same election process, whether at the polling site on election day or otherwise, and vice versa.

NOTE: Any voter who requests the separate ballot containing only the names of the nonpartisan judicial candidates is choosing to vote only in the general election for nonpartisan judicial candidates and cannot also use the preferential primary ballot. Any voter wishing to vote in the primary must use the preferential primary ballot to vote for party candidates and nonpartisan judicial candidates. [Attorney General Opinion No. 2001-177]

9. Before voting, the election official should ask the voter to provide:

- a) his/her name. [§§ 7-5-305(a)(1); 7-5-418(c)(1); 7-5-522(a); 7-7-308(a)(1)]
- b) his/her address. [§§ 7-5-305(a)(2); 7-5-418(c)(1); 7-5-522(a); 7-7-308(a)(2)]
- c) his/her date of birth. [§§ 7-5-305(a)(2); 7-5-418(c)(1); 7-5-522(a); 7-7-308(a)(2)]
- d) an approved form of identification. [§§ 7-5-305(a)(8)(A); 7-5-418(h); 7-5-522(a)]
- e) all of the above.

10. What form of identification should the voter present?

- a) a current and valid photo identification
- b) a copy of a current utility bill or bank statement
- c) a copy of a government check or paycheck
- d) a copy of a government document that shows the name and address of the voter
- e) any of the above [§§ 7-5-201(d)(1); 7-5-305(a)(8)(A)]

11. In a primary election, the voter must state:

- a) his/her political party affiliation.
- b) in which party primary he/she wishes to vote. [§ 7-7-308(b)]
- c) that he/she wants a ballot.
- d) nothing, he/she is handed a ballot.

12. If a nonpartisan judicial election is being held simultaneously with the primary election, can the voter vote both a party primary ballot and a separate nonpartisan judicial general election ballot?

- a) yes
- b) no

[Attorney General Opinion No. 2001-177]

13. After the voter is properly identified, he/she signs his/her name on the:

- a) precinct voter registration list. *[§§ 7-5-305(a)(7); 7-7-308(a)(7)]*

Note: If there is a notation of “Early Vote” or “Absentee Vote” by the voter’s name on the precinct voter registration list, the voter has already voted and cannot vote again.

- b) list of voters.
- c) a, then b.

14. Now that Amendment 81 has been approved to ensure the secrecy of the ballot , election officials should no longer number the back of the ballots issued.

- a) True *[Amendment 81 of the Arkansas Constitution]*
- b) False

15. According to law, no person shall be permitted to carry a ballot outside of the polling site.

- a) true *[§§ 7-1-103(a)(14); 7-5-308]*
- b) false

16. How long does a voter have to mark his/her ballot?

- a) five (5) minutes *[§§ 7-5-309(b)(1)(B); 7-5-522(c)]*
- b) ten (10) minutes
- c) as much time as needed

17. How many ballots may a voter spoil and still receive another?

- a) one (1)
- b) two (2) *[§§ 7-5-313(a); 7-5-609(c)]*

NOTE: The voter may only spoil two (2) ballots, for a total receipt of three (3) ballots.

- c) three (3)
- d) as many as it takes to get it right

18. What does an election official write on a spoiled ballot face?

- a) WRONG
- b) CANCELLED *[§ 7-5-313(b)]*
- c) ABSOLUTELY NOT
- d) SORRY, TRY AGAIN

19. Where does an election official place a spoiled ballot?

- a) just throws it away
- b) in the ballot box
- c) in an envelope marked "Spoiled Ballots"

[§ 7-5-313(b)]

20. Who may assist a person with a disability in casting a ballot?

- a) only a relative
- b) any candidate
- c) any person selected by the voter

[§§ 7-5-310(b); 7-5-523(a)]

21. If a person requests assistance from an election official, who can assist the person in marking his/her ballot?

- a) one (1) election official
- b) two (2) election officials
- c) three (3) election officials

[§§ 7-5-310(b); 7-5-523(a)]

Note: Election officials must make and maintain a list of all persons assisting voters.

22. Can any voter who informs an election official that he/she is physically unable to stand in line for an extended period of time advance to the front of the line?

- a) yes
- b) no
- c) only busy people who are in a hurry

[§§ 7-5-310(c); 7-5-523(b)]

Section Four

Fail-Safe Voting

Fail-safe voting is the mechanism established under the National Voter Registration Act of 1993 that allows voters who have moved within the same county to vote at their new precinct without having updated their voter registration records. [§ 7-1-101(11)] See page 33 for detailed information (or page 30 of Workbook).

23. If a voter's declared date of birth differs from the precinct voter registration list, can additional information be requested?

- a) yes [§§ 7-5-305(a)(4); 7-7-308(a)(4)]
- b) no

24. If a voter's address differs from the precinct voter registration list, the election official must contact:

- a) the county clerk. [§§ 7-5-305(a)(5)(A); 7-7-308(a)(5)(A)]

Note: The county clerk must verify that the voter's address is within the precinct.

- b) the county judge.
- c) the post office.

25. If the voter's new address is within the current voting precinct, the voter must:

- a) bring a self addressed envelope to the poll.
- b) complete a voter registration application form to update county voter registration records. [§§ 7-5-305(a)(5)(B); 7-7-308(a)(5)(B)]
- c) bring a copy of his/her mortgage loan or rental agreement to the poll.

26. If the voter's new address is not within the current voting precinct, the voter must:

- a) contact the county clerk to determine the proper voting precinct.
- b) go to the proper new polling site to vote.
- c) a, then b [§§ 7-5-305(a)(5)(C); 7-7-308(a)(5)(C)]

Change in Polling Site

If a voter's new address is not within the current voting precinct, the county clerk's office must be contacted to determine the proper voting precinct, and the voter must then go to the proper new polling site to vote.

You may wish to consider using a form similar to the one included with these Materials (page 40) entitled "Change in Polling Site Authorization Form" to assist both the voter and the election officials at the new polling site location. The form contains pertinent information obtained from the county clerk's office directing the voter to the proper new voting location.

27. If the voter's name differs from the precinct voter registration list, the voter must:

- a) bring his/her birth certificate to the poll.
- b) complete a voter registration application form to update county voter registration records. [§§ 7-5-305(a)(6); 7-7-308(a)(6)]
- c) bring a copy of his/her marriage license to the poll.

28. If the voter's name is not on the precinct voter registration list, four (4) things must happen to allow the voter to vote a regular ballot. Number the steps in proper order (1 - 4).

- 2 Voter gives and affirms his/her current address, and the election official verifies with the county clerk that the residence is within the voting precinct. [§§ 7-5-306(a)(2); 7-7-308(c)(2)]
- 4 Voter signs the precinct voter registration list. [§§ 7-5-306(a)(4); 7-7-308(c)(4)]
- 3 Voter completes an updated voter registration application form. [§§ 7-5-306(a)(3); 7-7-308(c)(3)]
- 1 Voter identifies himself/herself by name and date of birth and is verified by the county clerk as a registered voter within the county. [§§ 7-5-306(a)(1); 7-7-308(c)(1)]

29. If a voter's name is not on the precinct voter registration list, and the county clerk is unable to verify the voter's registration, the voter may:

- a) vote a provisional ballot. [§§ 7-5-306(b); 7-7-308(d)]
- b) not vote.
- c) vote only on Sunday elections.

Section Five

Poll Watchers' Rights and Responsibilities

(See page 42 for details, or page 39 of Workbook.)

30. Only one poll watcher per candidate at any one time may be officially recognized as a poll watcher at a polling site.

- a) true [§ 7-5-312(d)(2)]
- b) false

31. Only one poll watcher per group seeking the passage or defeat of a ballot measure at any one time may be officially recognized as a poll watcher at a polling site.

- a) true [§ 7-5-312(d)(2)]
- b) false

32. Poll watchers may challenge ballots.

- a) true [§ 7-5-312(a), (d)(1)]
- b) false

33. Election officials may challenge ballots.

- a) true [§§ 7-5-306(b); 7-7-308(d)]
- b) false

34. Poll watchers may remain at the polling site after the poll closes.

- a) true [§§ 7-5-316(a); 7-5-615(a)]
- b) false

35. Poll watchers may witness the counting of ballots by election officials.

- a) true [§§ 7-5-316(a); 7-5-615(a)]
- b) false

36. Poll watchers may not electioneer inside the polling site or within 100 feet measured from the primary exterior entrance of the building.

- a) true [§ 7-1-103(a)(9)]
- b) false

37. Poll watchers may not be within six (6) feet of any voting machine or booth.

- a) true [§§ 7-5-309(a)(4); 7-5-521(c)]
- b) false

38. Poll watchers may not talk to any voter at any given time in the building or within 100 feet (100') of the primary exterior entrance to the building containing the polling site during voting hours.

- a) true [§ 7-1-103(a)(20)(F)]
- b) false

Section Six

Provisional Ballots

See page 34 for details, or page 31 of Workbook.

39. Answer the following statements either “True” or “False.”

- ☐ The poll watcher must challenge the ballot before the ballot is issued to the voter.
- ☐ An election official must inform the voter that his/her ballot is being challenged by a poll watcher.
- ☐ The poll watcher must display credentials (the “Poll Watcher Authorization Form”). [§ 7-5-312(a), (d)(4)]
- ☐ The poll watcher must complete a “Challenged Ballot Form.” [§ 7-5-312(b)(1)(C)]
- ☐ The voter must vote on a paper ballot/vote card initialed by the election official.
- ☐ The voter must separate his/her marked ballot from the ballot stub. [§ 7-5-312(b)(1)(A)]
- ☐ The voter must place the provisional ballot in a single envelope marked “Provisional Ballot” and seal the envelope. [§ 7-5-312(b)(1)(B)]
- ☐ The voter must place the ballot stub, the sealed “Provisional Ballot” envelope and the “Challenged Ballot Form” in an envelope marked “Provisional Voter.” [§ 7-5-312(b)(1)(C)]
- ☐ The election official must maintain a separate list of names of provisional voters. [§ 7-5-312(b)(1)]

Note to Trainers: A voter’s ballot cannot be challenged based on the voter’s mental status. Only a court order can disenfranchise a voter based on that criterion.

First-Time Voters

Pursuant to the Help America Vote Act of 2002 (HAVA), first-time voters (those who have not previously voted in a Federal election in the state) who registered to vote by mail must present ID either with their voter registration application or when voting to avoid having to vote a **provisional ballot**.

Acceptable forms of ID as of 2004 when registering to vote or voting include:

- copy of current, valid photo ID (such as driver's license)
- copy of current utility bill that shows name and address of voter
- copy of bank statement that shows name and address of voter
- copy of government check or paycheck that shows name and address of voter
- copy of other government document that shows name and address of voter.

Those who provided one of the forms of ID listed above when registering will be treated like a regular voter when asked to show ID when voting. If they do not present an ID when voting, they will be **allowed to vote a regular ballot** after the election official notes "NO ID" next to their name on the precinct VR list.

Once the statewide voter registration system is coordinated with the databases of Drivers' Services and Social Security, first-time voters who register by mail will be allowed to write their **driver's license number or the last four digits of their Social Security number** on the voter registration application as an acceptable form of ID. Until that time first-time voters will have to provide a copy of one of the listed documents when registering or show an acceptable ID when voting to avoid voting a provisional ballot. (§§7-5-201 and 7-5-305)

Section Seven

Electioneering

No person can hand out or distribute or offer to hand out or distribute any campaign literature or any literature regarding any candidate or issue on the ballot, solicit signatures on any petition, solicit contributions for any charitable or other purpose, or do any electioneering of any kind whatsoever in the building or within 100 feet (100') of the primary exterior entrance used by voters to the building containing the polling place on election day or during early voting days.
[§ 7-1-103(a)(9)]

Exit Polls

News organizations may request to set up an “exit poll” on election day for the purpose of inquiring how voters voted. Although exit polls are not considered electioneering, conducting an exit poll does involve speaking with a voter. Thus, the election commission may require the exit pollsters to abide by state laws governing electioneering.

Election officials should be notified in advance that an exit poll will be conducted at their voting location.

40. Can election officials electioneer or campaign?

- a) any time, any place
 - b) no, not at all
 - c) yes, but not on election day or any day on which early voting is allowed
- § 7-1-103(a)(9)]

41. To electioneer on election day, how many feet must a person distance himself/herself from the primary exterior entrance of the building containing the polling site?

- a) 300 feet
 - b) six (6) feet
 - c) 100 feet
- [§ 7-1-103(a)(9)(A)]

Note to Trainers: If a voter wears a campaign T shirt or hat into the polling site, he/she must remove the hat and turn the T shirt inside out. It is a good idea to check voting booths throughout the day for campaign flyers, pencils, emory boards, etc., and remove them immediately.

Section Eight

Closing The Polls

The polls must open at 7:30 a.m. on election day and remain open continuously until 7:30 p.m. When the polls close, all persons who are in line at the polling site must be permitted to vote. [§§ 7-5-304; 7-5-314(c); 7-5-524(b)]

After the polls have closed and all persons in line at the time of closing have voted, the election officials must immediately total the number of voters on the voter list and certify and attest the list of voters, and attest to the total number of voted, spoiled, provisional and unused ballots and the total number of ballots printed and delivered to the polls. [§§ 7-5-314(d); 7-5-315(5); 7-5-707(a); 7-7-308(f)]

Processing/Counting Absentee Ballots

Although they may be opened and processed before the polls close, **no absentee or early votes can be counted and no results can be printed or released prior to the closing of the polls.**

Absentee ballots are processed as follows:

- One election official opens the outer envelope, verifies that the documents are properly placed in it and reads aloud the voter's name and precinct from the voter statement.
- If the materials are NOT properly placed, another election official opens the inner envelope to verify the contents and, if necessary, places them in the correct envelopes (while preserving the secrecy of the ballot). That election official then reads aloud the voter's name and precinct from the voter statement.
- As each voter's name and precinct are read, election officials list them in duplicate.
- The voter's name, address, birth date and signature from the voter's statement are compared with the information on the voter's absentee ballot application and, for first-time voters who registered by mail, with the information on the voter's enclosed ID (unless the voter provided that ID earlier when applying to register to vote).
- If there is a discrepancy in the comparison, if no ID was provided by a first-time voter who registered by mail, or the absentee voter failed to return the required materials, then the absentee application, ballot envelope and voter's statement are placed in an envelope marked "Provisional." The election official marks the reason for the challenge and refers it to the county board for a determination.

- **Failure of the voter to place the documents in the correct envelopes is not grounds for a challenge.**
- If there is no challenge, the election official places the unopened inner envelope containing the ballot in the ballot box, and the ballot stub end in a separate designated box.
- The ballot box is shaken to mix the ballots, then the box is opened and the ballots are counted. [§7-5-416]
- Early votes are counted at the same time as absentee votes. [§7-5-418(g)]

Paper Ballots Counted by Hand at the Polling Site

In counting paper ballots by hand at the polling site, the election officials must

- witness the counting of the ballots, [§ 7-5-315(3)]
- open the ballot box, count each ballot in turn or count by offices and issues, [§ 7-5-315(3)]
- keep separate tally lists of the votes cast for each candidate or issue on the ballot, [§ 7-5-315(3)]
- continue the count to completion, [§ 7-5-315(5)]
- make out the certificates of election in triplicate [§ 7-5-315(6)], and
- post one (1) copy of the certificate of election outside the polling site. [§§ 7-5-315(6); 7-5-317(a)(2)(A)]

Upon completion of the counting of the ballots, the election officials must

- deliver the list of voters form, the precinct voter registration list, voter registration application forms and other record-keeping supplies, the second copy of the certificate of election results, and one (1) copy of the tally sheets to the county clerk, [§ 7-5-317]
- deliver the third copy of the certificate of election results, one (1) copy of the tally sheets, the reports of provisional voters, unused ballots, voted ballots secured in a number sealed container, provisional ballots, canceled ballots, and other election materials to the county election commission [§ 7-5-317], and
- deliver the sealed stub boxes to the county treasurer. [§ 7-5-317]

Voting Machines

In counties using voting machines (lever and DRE), the election officials must

- announce that the polls have closed, [§ 7-5-526(a)]
- lock the machine or machines against further voting in the presence of all persons authorized to be present, [§ 7-5-526(a)]
- certify by signature that the machines were locked and sealed, [§ 7-5-526(b)]
- attest to the exact time, the number of votes shown on the public counter (the total number of votes cast on the machine), the number on the seal, and the number registered on the protective counters, [§ 7-5-526(b)]
- expose the count in the presence of all persons authorized to be present, [§ 7-5-527(a)]

- announce in a loud and audible manner and in the order in which the office or questions are arranged on the machine, the number on each counter for each candidate and question and the totals shown by the counter numbers [§ 7-5-527(a)(2),(3)], and
- keep tabulation blanks in ink of the votes cast for each candidate or question on the ballot. [§ 7-5-527(a)(4)]

If the voting machine is provided with a device for embossing, printing, or photographing candidate and question counters, the election officials must

- operate the mechanism to produce the return record in triplicate, [§ 7-5-527(c)(2)]
- remove the write-in sheet, if any, [§ 7-5-527(c)(2)]
- record write-in votes on the return record, [§ 7-5-527(c)(2)]
- attach the write-in sheet to the return record, [§ 7-5-527(c)(2)]
- post one (1) copy of the completed return record to which the write-in sheet has been attached on the wall of the polling room, [§ 7-5-527(c)(3)]
- in precincts with more than one (1) machine, complete a tabulation sheet, [§ 7-5-527(c)(5)]
- attach one (1) return record for each machine to the tabulation sheet [§ 7-5-527(c)(5)], and
- sign the tabulation blanks or machine return record produced by the device. [§ 7-5-527(d)]

Upon completion of tabulation of the count, the election officials must

- lock the doors of the voting machines, sealing the operating levers of the machine preventing further operation of the voting and counting mechanisms, [§ 7-5-529(a)]
- deliver all tabulation blanks, certificates, and statements to the proper officials as provided by law [§ 7-5-529(b)], and
- place the keys of the voting machines in a sealed envelope signed by all the election officials, deliver to the county election commission, and obtain a receipt. [§ 7-5-529(c)]

Electronic Tabulation Systems (such as optical scan)

In counties using electronic tabulation systems, the election officials must

- secure the marking devices against further voting, [§ 7-5-613(1)]
- open the vote card box and count the number of vote cards or envelopes containing vote cards that have been cast to verify that the number of vote cards cast agrees with the number of voters shown on the list of voters, [§ 7-5-613(2)]
- report any excess in writing to the county board of election commissioners along with the reason, if known, [§ 7-5-613(2)]
- enter the total number of voters on the tally sheets, [§ 7-5-613(3)]
- count the write-in votes and prepare a return of the votes, [§ 7-5-613(4)]
- serially number the write-in vote cards and place the same number on the ballots. [§ 7-5-613(5)]

- compare the write-in votes with the votes cast on the vote card to ensure against over voting, [§ 7-5-613(6)]
- if the number of votes for an office exceeds the number allowed by law, enter a notation to that effect on the back of the vote card [§ 7-5-613(6)], and
- if the votes are to be tabulated at a central location, return such vote cards to the counting location in an envelope marked “Defective Vote Cards.” [§ 7-5-613(6)]

If votes are to be tabulated at the polling site, all proceedings must be under the direction of the election officials at the polling site [§ 7-5-614(c)(2)]. The election officials must

- tabulate, or direct the tabulation, in the same manner as provided for tabulation at a central location. [§ 7-5-614(c)(1)]

If votes are to be tabulated at a central location, all proceedings at the counting location must be under the direction of at least two (2) election officials named by the county board of election commissioners, and if possible, represent both the majority party and the minority party [§ 7-5-614(b)(2)]. The election officials must

- place all vote cards that have been cast in a sealed container provided for that purpose [§ 7-5-614(b)(1)], and
- deliver the sealed container, along with the unused, void, and defective vote cards and returns to the county board of election commissioners. [§ 7-5-614(b)(1)]

In tabulating the vote, the election officials must

- generate a printed record at the beginning of the tabulation operation that verifies that the tabulating elements for each candidate position, each question, and the public counter are all set to zero (0) [§ 7-5-614(c)(3)(A)], and
- generate a printed record at the finish of the tabulation operation of the total number of voters whose ballots were tabulated, the total number of votes cast for each candidate appearing on the ballot, and the total number of votes cast for or against any question appearing on the ballot. [§ 7-5-614(c)(3)(B)]

In tabulating the vote, if any vote card is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, the election officials must

- make a true duplicate copy in the presence of the tabulation election officials, [§ 7-5-615(d)]
- substitute the duplicate copy for the damaged vote card, [§ 7-5-615(d)]
- label the duplicate vote card “duplicate,” [§ 7-5-615(d)]
- record a serial number on the “duplicate” and corresponding damaged or defective vote card [§ 7-5-615(d)], and
- count the “duplicate” vote card in lieu of the damaged or defective vote card. [§ 7-5-615(d)]

42. What time do polls close on election day?

- a) 7:30 p.m. [§ 7-5-304]
- b) 7:00 p.m.
- c) 8:00 p.m.
- d) at any time the election officials deem appropriate

43. May people standing in line at closing time still vote?

- a) yes [§§ 7-5-314(c); 7-5-524(b)]
- b) no

44. What should be done if two (2) or more ballots are found folded together?

- a) none of the ballots are counted [§ 7-5-315(4)]
- b) all of the ballots are counted
- c) make paper airplanes out of them

45. Upon closing of the polls and discharge of duties, where must copies of the list of voters, the precinct voter registration list, and the voter registration application forms be delivered?

- a) to the county clerk [§ 7-5-317(a)(1)]
- b) to the county election commission
- c) to the county treasurer

46. Upon closing of the polls and discharge of duties, where must copies of the certificates of election results and tally sheets be posted and delivered?

- a) one (1) copy at the polling site
- b) one (1) copy to the county clerk
- c) one (1) copy to the county election commission
- d) all of the above [§§ 7-5-315(6); 7-5-317(a)(2); 7-5-527(c)(3)]

47. Upon closing of the polls and discharge of duties, where must voted ballots, unused ballots, and election materials be delivered?

- a) to the county clerk
- b) to the county election commission [§ 7-5-317(a)(3)(A)]
- c) to the county treasurer

48. Upon closing of the polls and discharge of duties, all election materials and returns must be delivered to the county election commission by the election officials:

- a) within twenty-four (24) hours after the polls close.
- b) within seventy-two (72) hours after the polls close.
- c) immediately after the polls close. [§ 7-5-317(b)]

49. Upon closing of the polls and discharge of duties, where must the sealed ballot stub boxes be delivered?

- a) to the county clerk
- b) to the county election commission
- c) to the county treasurer [§ 7-5-317(a)(4)]

Section Nine

Forms

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STATE OF ARKANSAS INSTRUCTIONS TO VOTERS (pg 1)

Election officials shall post at least (2) copies of instructions to voters, including instructions for fail-safe voting procedures, in a conspicuous place in the polling area on election day. [§ 7-5-302(1)]

- The voter must state his/her name, address, and date of birth to an election official. [§§ 7-5-305(a)(1),(2); 7-5-522(a); 7-7-308(a)(1),(2)]
- In a primary election, the voter must state in which party primary he/she wishes to vote. [§ 7-7-308(b)]
- If a nonpartisan judicial election is being held simultaneously with the primary, the voter may wish to only vote the nonpartisan judicial election and must state such. [§ 7-10-102(b)(2)]
- The voter is not required to vote in a political party's preferential primary in order to be able to vote in nonpartisan judicial elections. [§ 7-10-102(b)(3)]
- In a primary election, no voter may cast a ballot in more than one (1) party primary election. [§§ 7-1-103(a)(19)(A); 7-1-103(a)(20)(B); 7-1-104(a)(9)]
- In a primary election, the election official must mark the precinct voter registration list indicating in which political party primary the voter casts his/her ballot, such as "D" for "Democratic" and "R" for "Republican." [§ 7-7-308(b)]
- If a nonpartisan judicial election is being held simultaneously with the primary, and the voter wishes to only vote the nonpartisan judicial election, the election official must mark the precinct voter registration list, such as "J" for "Judicial only."
- If a qualified elector votes using a separate nonpartisan judicial general election ballot at any time during the election process, whether absentee, early, or at the poll on election day, that elector is ineligible to vote a preferential primary election ballot at a later time during the same election process, whether at the polling site on election day or otherwise, and vice versa. [Attorney General Opinion No. 2001-177]
- **Any voter who requests the separate ballot containing only the names of the nonpartisan judicial candidates is choosing to vote only in the general election for nonpartisan judicial candidates and cannot also use the preferential primary ballot.** [Attorney General Opinion No. 2001-177]
- **Any voter wishing to vote in the primary must use the preferential primary ballot to vote for party candidates and nonpartisan judicial candidates.** [Attorney General Opinion No. 2001-177]
- The voter is requested, for purposes of identification, to provide a current and valid photo identification, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. [§ 7-5-305(a)(8)(A)]
- If a voter is unable to provide this identification, the election official shall indicate on the precinct voter registration list that the voter did not provide identification, and the voter proceeds to vote. [§ 7-5-305(a)(8)(B)(i)]
- A first-time voter who registered by mail and did not provide ID with the registration must provide one of the listed forms of ID or he/she must vote a provisional ballot.
- Voters must sign the precinct voter registration list before being permitted to vote in any election. [§§ 7-5-305(a)(7); 7-7-308(a)(7)]
- If a voter is unable to sign or make his/her mark, the election official must initial and enter the voter's date of birth on the voter signature line on the precinct voter registration list. [§§ 7-5-305(a)(7); 7-7-308(a)(7)]
- The election official must initial back of ballot before giving ballot to voter. [§7-5-307]

INSTRUCTIONS TO VOTERS (pg 2)

Fail-Safe Voting

If a voter's address differs from the precinct voter registration list,

- the election official must contact the county clerk, and
- the county clerk must verify that the voter's address is within the precinct. [§§ 7-5-305(a)(5)(A); 7-7-308(a)(5)(A)]

If the voter's new address is within the current voting precinct,

- the voter must complete a voter registration application form to update county voter registration records. [§§ 7-5-305(a)(5)(B); 7-7-308(a)(5)(B)]

If the voter's new address is not within the current voting precinct,

- the voter must contact the county clerk to determine the proper voting precinct [§§ 7-5-305(a)(5)(C); 7-7-308(a)(5)(C)], and
- the voter must then go to the proper new polling site to vote.

If the voter's name differs from the precinct voter registration list,

- the voter must complete a voter registration application form to update county voter registration records. [§§ 7-5-305(a)(6); 7-7-308(a)(6)]

If the voter's name is not on the precinct voter registration list,

- the voter must identify himself/herself by name and date of birth and must be verified by the county clerk as a registered voter within the county. [§§ 7-5-306(a)(1); 7-7-308(c)(1)]
- the voter must give and affirm his/her current address, and the election official must verify with the county clerk that the residence is within the voting precinct. [§§ 7-5-306(a)(2); 7-7-308(c)(2)]
- the voter must complete an updated voter registration application [§§ 7-5-306(a)(3); 7-7-308(c)(3)], and
- the voter must sign the precinct voter registration list. [§§ 7-5-306(a)(4); 7-7-308(c)(4)]

If a voter's name is not on the precinct voter registration list, and the county clerk is unable to verify the voter's registration, but the voter contends that he or she is eligible to vote and desires to vote,

- the voter may vote a provisional ballot upon the execution of a written affirmation that the individual is a registered voter in the jurisdiction in which the individual desires to vote and that the individual is eligible to vote in that election. [§§ 7-5-306(b); 7-7-308(d)]
- the election official shall provide the voter written information instructing the individual on how to determine whether the vote was counted, and if not, why the vote was not counted [§§ 7-5-306(b)]
- the election official shall note on the list of voters persons voting in this manner [§§ 7-5-306(b); 7-7-308(d)]

INSTRUCTIONS TO VOTERS (pg 3)

Provisional Ballots

When the ballot of any voter is challenged by a poll watcher,

- an election official must inform the voter that his/her ballot is being challenged by a poll watcher,
- the poll watcher challenging the ballot must display credentials (a valid "Poll Watcher Authorization Form"), [§ 7-5-312(a),(d)(4)]
- the poll watcher must complete a "Challenged Ballot Form," [§ 7-5-312(b)(1)(C)]
- the voter must vote on a paper ballot/vote card initialed by the election official,
- the voter must separate his/her marked ballot from the ballot stub, [§ 7-5-312(b)(1)(A)]
- the voter must place the provisional ballot in a single envelope marked "Provisional Ballot" and seal the envelope, [§ 7-5-312(b)(1)(B)]
- the voter must place the ballot stub, the sealed "Provisional Ballot" envelope, and the "Challenged Ballot Form" in an envelope marked "Provisional Voter" [§ 7-5-312(b)(1)(C)], and
- the election official must maintain a separate list of names of provisional voters. [§ 7-5-312(b)(1)]

All provisional ballots must be preserved, secured, and separated from the remaining ballots to the end that the right of any person to vote may be determined later by the county board of election commissioners or the court in which an election contest may thereafter be filed. [§ 7-5-312(b)(2)]

The county board of election commissioners must, prior to certification of the results of the election, determine whether the provisional ballots are valid. If, upon examination of any provisional ballots, the county board of election commissioners suspects that a violation of election laws has occurred, the board may refer the matter to the prosecuting attorney. [§ 7-5-312(c)]

Voting the Ballot

To cast a ballot, the voter should,

- enter a voting booth, [§ 7-5-309(a)(1)]
- mark his/her ballot according to the voting instructions and not mark the ballot in any other way, [§ 7-5-309(b)(1)(A)]
- detach the ballot from the ballot stub, [§ 7-5-309(b)(2)]
- deposit the ballot in the ballot box or optical scanner, [§ 7-5-309(b)(2)]
- deposit the ballot stub in the ballot stub box [§ 7-5-309(b)(2)], and
- immediately depart the polling site. [§ 7-5-309(d)]

If the voter requests assistance,

- he/she may be assisted by two (2) election officials in marking his/her ballot (one election official to assist the voter and one to observe without comment or interpretation) [§§ 7-5-310(b); 7-5-523(a)], or
- he/she may be assisted by any person selected by the voter [§§ 7-5-310(b); 7-5-523(a)], but in no case, is any person permitted to carry a ballot outside of the polling room. [§§ 7-1-103(a)(14); 7-5-308]
- election officials shall make and maintain a list of names of all persons assisting disabled voters [§ 7-5-310(b)(4)]

INSTRUCTIONS TO VOTERS (pg 4)

Voting the Ballot (continued)

If the voter spoils his/her ballot,

- he/she must return the ballot to the election official, [§ 7-5-313(a)]
- the election official will cancel the spoiled ballot by writing “CANCELLED” on the face of the ballot and initialing the ballot, [§ 7-5-313(b)]
- the election official will place the spoiled ballot in an envelope marked “Spoiled Ballots,” [§ 7-5-313(b)]
- the election official will indicate the spoiled ballot stub number on the “Spoiled Ballot Affidavit,”
- the voter must sign the “Spoiled Ballot Affidavit,”
- the election official will provide the voter with another ballot not to exceed three (3) ballots in all [§§ 7-5-313(a); 7-5-609(c)], and
- the election official will preserve the spoiled ballots separately from other ballots for return to the county board of election commissioners. [§ 7-5-313(b)]

NOTICE ON ELECTIONEERING

[§§ 7-1-103(a)(9); 7-1-104(a)(7)]

- **No distribution of any literature regarding any candidate or issue on the ballot,**
- **No solicitation of signatures on any petition,**
- **No solicitation of contributions, and**
- **No electioneering of any kind whatsoever** (including campaign buttons, caps, shirts, or other articles of influence) **in the building or within 100 feet of the primary exterior entrance used by voters to the building containing the polling site on election day or during early voting days**

OATH OF ELECTION OFFICIALS

[§§ 7-1-103(a)(10); 7-4-110; 7-5-615(c)]

I, _____, do swear
that I will perform the duties of an election official of this election according to law
and to the best of my abilities, and that I will studiously endeavor to prevent
fraud, deceit, and abuse in conducting the same, and that I will not disclose how
any voter shall have voted, unless required to do so as a witness in a judicial
proceeding or a proceeding to contest an election.

Signed this _____ day of _____ 20____.

Election Official Signature _____

Street Address _____

City, State, Zip _____

Sworn to and subscribed before me, _____,
this _____ day of _____ 20____.

(Signature of Oath Administrator)

LIST OF VOTERS

[§ 7-5-314(d)]

Date: _____

Precinct #: _____

Ballot Style Number: _____

NAME OF VOTER		NAME OF VOTER	
1		21	
2		22	
3		23	
4		24	
5		25	
6		26	
7		27	
8		28	
9		29	
10		30	
11		31	
12		32	
13		33	
14		34	
15		35	
16		36	
17		37	
18		38	
19		39	
20		40	

SPOILED BALLOT AFFIDAVIT

[§ 7-5-313]

Precinct(s) _____ Date _____

Instructions: *At any time a voter spoils a ballot, he/she should return the ballot to an election official. The ballot should be voided and a new ballot issued. The voter must sign this affidavit before voting the new ballot. The election official must indicate below, the ballot stub number of the spoiled ballot.*

I, the undersigned, do solemnly swear or affirm that I spoiled the ballot(s) identified below, that I returned the spoiled ballot(s) to an election official who canceled the ballot(s) in my presence, and that I received a new ballot.

Signature of Voter	Spoiled Ballot Stub #
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____
11. _____	_____
12. _____	_____
13. _____	_____
14. _____	_____
15. _____	_____

CHANGE IN POLLING SITE AUTHORIZATION FORM

(To be presented by the voter to the election official at the voter's new polling site)

Date of Election: _____

Name of Voter: _____

Voter's Affidavit Number: _____
(This number will be provided by the County Clerk's office.)

New Polling Site Location: _____
(The new polling site location will be provided by the County Clerk's office.)

New Polling Precinct Number: _____
(This number will be provided by the County Clerk's office.)

Authorized By: _____
(The name of the employee with county clerk's office confirming the voter's registration.)

Referred From Precinct Number: _____

Referred by Election Official: _____
(The signature of the election official referring the voter to a new polling site.)

ATTENTION VOTER: Be sure to complete an "Arkansas Voter Registration Application" form to update your county voter registration records.

POLL WATCHER AUTHORIZATION FORM

Representative of a Candidate

I, _____, state that I am a candidate for the office of _____ in the _____ election. I further state that _____ is designated by me as my representative at the election for the purpose of Arkansas Code §§ 7-5-312, 7-5-316, 7-5-416, 7-5-417, and 7-5-615 in precinct _____ in _____ County, Arkansas.

Representative of a Group

I, _____, state that I represent the _____ group which is seeking passage/defeat (*circle one*) of the ballot measure entitled _____ on the ballot in the _____ election for the purpose of Arkansas Code §§ 7-5-312 and 7-5-417 in precinct _____ in _____ County, Arkansas.

Representative of a Party

I, _____, state that I am the chairman or secretary of the state/county (*circle one*) committee for the _____ party with candidates on the ballot in the _____ election. I further state that _____ is designated by me as a party representative at the election for the purpose of Arkansas Code §§ 7-5-312, 7-5-316, 7-5-416, 7-5-417, and 7-5-615 in precinct _____ in _____ County, Arkansas.

Signature of Candidate, Group Representative, or Chairman/Secretary of the State/County Committee

Acknowledged before me this _____ day of _____, 20 ____.
Notary Public: _____ My Commission Expires: _____

I do hereby state that I am familiar with the rights and responsibilities of a poll watcher as outlined on the back of the poll watcher authorization form and will in good faith comply with the provisions of same.

Signature of Poll Watcher

Acknowledged before me this _____ day of _____, 20 ____.
Notary Public: _____ My Commission Expires: _____

I do hereby acknowledge filing of the poll watcher authorization form with the county clerk's office.

Signature of County Clerk

POLL WATCHER RIGHTS AND RESPONSIBILITIES

A poll watcher may be:

- A candidate in person or by representative designated by a candidate;
- A representative designated by any group seeking passage or defeat of a measure on the ballot; or
- A representative of a party with a candidate on the ballot.

Official recognition of poll watchers:

- Only one (1) poll watcher per candidate, group, or party at any one time may be officially recognized as a poll watcher at each location within a polling site where voters identify themselves to election officials;
- Only one (1) poll watcher per candidate, group, or party at any one time may be officially recognized as a poll watcher at each location within the absentee ballot processing site where absentee ballots are processed;
- Only one (1) poll watcher per candidate or party at any one time may be officially recognized as a poll watcher at the counting of the ballots; and
- Poll watchers must display a valid affidavit in the form of a "Poll Watcher Authorization Form".

Poll watchers may:

- Observe the election officials;
- Stand close enough to the precinct voter registration lists so as to hear the voter's name and observe the voter's signature;
- Compile lists of persons voting;
- Challenge ballots upon notification to an election official before the ballot is issued to the voter and upon completing a "Challenged Ballot Form";
- Call to the attention of the election sheriff any occurrence believed to be an irregularity or violation of election law. The poll watcher may not discuss the occurrence unless the election sheriff invites the discussion; and
- Be present at the opening, processing, and canvassing of absentee ballots for the purpose of challenging the vote in the manner provided by law for personal voting challenges.

Poll watchers representing a candidate or political party may:

- Remain at the polling site after the poll closes if ballots are counted at the poll, be present at the counting of votes by electronic tabulation equipment at a centralized location, and be present at the counting of absentee ballots for the purpose of witnessing the counting of ballots by election officials; and
- Upon request made to an election official, inspect any or all ballots at the time the ballots are being counted.

Poll watchers may not:

- Be within six feet (6') of any voting machine or booth used by voters to cast their ballot;
- Electioneer inside the polling site or within one hundred feet (100') of the primary exterior entrance used by voters to the building containing the polling site;
- Speak to any voter or in any way attempt to influence a voter inside the polling site or within one hundred feet (100') of the primary exterior entrance used by voters to the building containing the polling site; or
- Disrupt the orderly conduct of the election.

CHALLENGED BALLOT FORM

[ACA 7-5-312(a)]

Name of Voter Challenged: _____

Name of Challenger: _____

Name of Candidate, Group, or Party that Challenger
Represents: _____

Reason for Challenge: _____

Signature of Challenger: _____

Precinct: _____

Date: _____ Time: _____

LIST OF PROVISIONAL VOTERS

[§ 7-5-312(b)(1) and 7-5-306(b)(4)]

Date of Election: _____

Precinct #: _____

(These columns to be completed by the election commission)

[illegible]

BALLOT ACCOUNTING FORM

To be completed by election officials [§ 7-5-707(a)]

Name of Election

Polling Location Name

Date of Election

Precinct Number(s)

We, the undersigned, duly appointed election officials hereby certify the receipt and disposition of the ballots available at said precinct as follows:

A) BALLOTS AVAILABLE AT THE OPENING OF THE POLLS

Ballots: (Style # _____) Quantity Rec'd _____ Serial # _____ through _____.
Ballots: (Style # _____) Quantity Rec'd _____ Serial # _____ through _____.
Ballots: (Style # _____) Quantity Rec'd _____ Serial # _____ through _____.
Ballots: (Style # _____) Quantity Rec'd _____ Serial # _____ through _____.
Ballots: (Style # _____) Quantity Rec'd _____ Serial # _____ through _____.

B) BALLOT ACCOUNTING AT THE CLOSING OF THE POLLS

C) UNUSED BALLOTS

Ballots (Style # _____) Serial # _____ through _____.
Ballots (Style # _____) Serial # _____ through _____.
Ballots (Style # _____) Serial # _____ through _____.
Ballots (Style # _____) Serial # _____ through _____.
Ballots (Style # _____) Serial # _____ through _____.

D) TOTAL NUMBER OF:

- 1) Unused Ballots (*C from above*): _____
- 2) Spoiled Ballots: _____
- 3) Total Provisional Ballots: _____ (Disqualified _____; Counted _____)*
- 4) Voted Ballots (*paper & machine, if applicable; same total as on "List of Voters"*): _____
- 5) Paper Ballots delivered at opening of poll (*A from above*): _____

* Attach the List of Provisional Voters. To be completed by county board during vote canvassing.

BALLOT BOX SEAL NUMBER(S) _____

Election Official Signature

Election Official Signature

Election Official Signature

Election Official Signature

Election Official Signature

Election Official Signature

LIST OF PERSONS ASSISTING VOTERS

A.C.A. § 7-5-310(b)(4)

Date of Election: _____ Precinct #: _____

Name of Person Assisting Voter	Name of Voter Assisted	Address of Voter Assisted

ELECTION OFFICIALS' TRAINING ATTENDANCE FORM – 2004

(This form MUST be distributed to all election day and off-site early voting polling sites for the preferential primary for trained election officials to complete.)

NAME OF ELECTION: _____ DATE OF ELECTION: _____ COUNTY: _____

POLLING SITE: _____ PRECINCT NAME/NUMBER: _____

I swear/affirm that I attended election officials' training conducted by a trainer certified by the State Board of Election Commissioners on the date indicated and that I have performed the duties of an election official by working the polls or an off-site early voting site for the preferential primary according to the law and to the best of my abilities.

ELECTION OFFICIAL:

NAME (Please print clearly)

ADDRESS

SIGNATURE

DATE/LOCATION OF TRAINING

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

I swear/affirm that the above named election officials attended training conducted by a trainer certified by the State Board of Election Commissioners on the date indicated. I further affirm that the election officials training was conducted using only materials provided by the State Board or in conjunction with county materials whose use was previously requested in writing to the State Board and approved in writing by the State Board.

COUNTY BOARD OF ELECTION COMMISSIONERS:

NAME (Please print clearly)

SIGNATURE

_____	_____
_____	_____
_____	_____

NAME OF CERTIFIED TRAINER:

RETURN THIS FORM TO:
STATE BOARD OF ELECTION COMMISSIONERS
501 WOODLANE, SUITE 122
LITTLE ROCK, AR 72201
(501) 682-1834 or (800) 411-6996

ELECTION OFFICIALS CHECKLIST

Name of Polling Site: _____ Precinct # : _____
 Location/Address of Polling Site: _____

We, the appointed election officials, do hereby attest to the completion of the following duties for the _____ Election held in _____ County on _____, 20_____.

OATH: We the undersigned do swear that we will perform the duties of election officials of this election according to law and to the best of our abilities, and that we will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same, and we will not disclose how any voter shall have voted, unless required to do so as a witness in a judicial proceeding or a proceeding to contest an election.

ALL ELECTION OFFICIALS WORKING THE POLLING LOCATION MUST SIGN

_____ (Signature of election official)	_____ (Signature of election official)
_____ (Signature of election official)	_____ (Signature of election official)
_____ (Signature of election official)	_____ (Signature of election official)

Enter a checkmark (☐) in the blank to confirm completion of each task. If not applicable, please indicate "N/A" in the space. Please explain any exceptions in the space provided or in the Comments section at the end of this report.

Checklist	YES	NO	N/A
1. Took the Oath of Election Officials (above) [<i>§7-4-110</i>]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Verified ballots available at the opening of the polls	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a) Completed upper portion of the "Ballot Accounting" form	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Inspected election supplies prior to opening of the polls [<i>§7-5-301</i>]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a) Notified election commission of missing materials thirty (30) minutes prior to opening the poll	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Checklist	YES	NO	N/A
4. Inspected voting equipment prior to opening poll [§7-5-611]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
a) Verified equipment counters were set to zero votes prior to any voting [§7-5-518(b)(1)]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Reported equipment malfunction to county board of election commissioners [§7-5-518(b)(1)]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Explanation of malfunction and resolution: _____			

5. Identified 100' boundary for electioneering [§7-1-103(a)(9)(A)]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Posted each of the following required postings:			
_____ a) Notice of election [§7-5-202]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ b) Sample ballots [§7-5-608]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ c) Two (2) sample ballot labels or diagrams (voting machine counties) [§§7-5-512(b)(1); 7-5-608]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ d) Two (2) copies of constitutional amendments and acts to be voted on [§7-5-302(2)]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ e) Two (2) copies of instructions on how to vote, including instructions for fail-safe voting [§§7-5-202(c)(3); 7-5-302(1)]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ f) Instructions on how to cast a provisional ballot [§7-5-202(c)(3)]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ g) General information on federal and state voting rights [§7-5-202(c)(4)]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ h) General information on the right of an individual to cast a provisional ballot with instructions on how to contact the appropriate officials if their rights are alleged to have been violated [§7-5-202(c)(4)]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ i) General information on federal and state laws on prohibitions on acts of fraud and misrepresentation [§7-5-202(c)(5)]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Checklist	YES	NO	N/A
_____ j) "Vote Here" signs (general, special, and runoff elections) [§7-4-107(b)(3)]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ k) ADA signs [§7-5-311(e)]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Situated voting booths in plain view of the election officials while allowing each voter privacy in marking his or her ballot [§7-5-521(a), (b)]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Opened the polls at 7:30 a.m. [§7-5-304]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Requested the voter to provide one of the following forms of ID:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Current and valid photo identification			
• Copy of current utility bill			
• Bank statement			
• Government check			
• Paycheck or other government document that show name and address of voter [§§7-5-305; 7-5-306]			
<p>If the voter is unable to provide this identification, and the name, address and date of birth given by the voter match the "Precinct Voter Registration List," the election official indicates on the "Precinct Voter Registration List" that the voter did not provide identification, and the VOTER IS ALLOWED TO VOTE A REGULAR BALLOT.</p> <p>But, any first time voter who registered by mail without providing identification when registering (this should be indicated on the precinct voter registration list), and does not provide identification at the polls as described above MAY CAST A PROVISIONAL BALLOT.</p>			
10. Initialed the back of each ballot before giving the voter the ballot [§7-5-307]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Prevented anyone from carrying a ballot outside the polling area [§§7-1-103(a)(14); 7-5-308]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Processed all provisional ballots including,			
_____ a) Placing all provisional ballots in a separate transport envelope to provide for prompt review by the county board of election commissioners pursuant to §7-5-312(b)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ b) Keeping a list of all persons voting provisional ballots, and	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____ c) Providing written information to provisional voters on how to find out whether votes counted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Checklist	YES	NO	N/A
13. Verified "Poll Watcher Authorization" forms displayed by all poll watchers appearing at poll	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Recorded names of all persons assisting voters with voting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Processed all spoiled ballots as follows:			
___ a) Preserved all spoiled ballots separately for transport to the county board of election commissioners [§7-5-313]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
___ b) Wrote "CANCELLED" on the face of all spoiled ballots	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Closed the poll at 7:30 p.m. allowing all eligible voters in line at that time to cast his or her ballot [§§7-5-304; 7-5-314]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Completed the accounting for all ballots at the closing of the polls on the "Ballot Accounting Form" provided each polling location by the county election commission for reporting pursuant to § 7-5-507	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Completed the "Election Officials Training Attendance Form – 2004"	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19 Processed and delivered all election materials pursuant to §7-5-317:			
___ a) Sealing all voted ballots with numbered seal for transport	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
___ b) Sealing stub boxes for transport (covering slot where stubs are inserted)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
___ c) Posting certificate of election results outside the polling site after the count	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
___ d) Delivering the list of voters form, precinct voter registration lists, voter registration application forms and other record keeping supplies to the appropriate official	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
___ e) Delivering all election materials and returns to the county board of election commissioners	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments: *Please list any events of the day that were out of the ordinary, any comments or suggestions:*

Section 10

How to Research Election Statutes

Statutes (sometimes called Arkansas Code) are the state laws of Arkansas. They are revised by the legislature by way of legislative acts. These acts are codified or incorporated into the existing statutes by a commission called the Code Revision Commission.

Copies of Arkansas statutes can be found at your county courthouse and in many libraries in the set of red, bound volumes called Arkansas Code Annotated. The main election law volume is #6, which contains Title 7. Always remember to check the update (or “pocket part”) in the back of the book to be sure you are looking at the most recent version of the statutes. Be aware that you must look in the appropriate section for the applicable law; for example, a code section concerning primaries probably will not be applicable to general elections. Also, if you are unsure you should always verify the law with your county attorney or the Secretary of State’s Office, since there could be case law (rulings by a court judge) that over-rules or interprets a statute.

You can also access the state statutes on the Internet at the legislature’s website: www.arkleg.state.ar.us Click on Research Resources and then on Arkansas Code. Then you can click on Search and enter the code number (such as 7-1-101) of the section you wish to see.

In a citation such as ACA 7-1-101, the “7” represents the Title, the “1” represents the chapter and the “101” is the section. ACA stands for Arkansas Code Annotated, meaning “with annotations” or background notes. These notes can be useful to determine when the original act was passed by the legislature. There are usually subsections that you can determine by looking at the overall outline for the section.

Another resource is the Secretary of State’s Office, which produces a volume each odd-numbered year entitled Election Laws of Arkansas. This spiral-bound book also contains the Arkansas Constitution. The 1874 Constitution is made up of the original Articles (1-20), and the subsequent Amendments (1-81).

Arkansas Code Annotated

7-4-109. Qualifications of state and county commissioners and other election officials.

(a)(1) The members of the State Board of Election Commissioners, the members of each county board of election commissioners, and election officials shall be qualified electors of this state, able to read and write the English language, and shall not have been

found guilty or pled guilty or nolo contendere to the violation of any election law of this state.

(2) No member of a county board shall be a candidate for any office to be filled at any election while serving on the county board.

(b) Furthermore, all members of each county board shall be residents of the county in which they serve at the time of their appointment or election. All election officials shall be residents of the precincts in which they serve at the time of their appointment. However, if at the time of posting election officials, the county board by unanimous vote shall find that it is impossible to obtain qualified election officials from any precinct or precincts and shall make certification of that finding to the county clerk, then other qualified citizens of the county may be designated to serve in the precinct or precincts.

(c) No person who is a paid employee of any political party or of any person running for any office shall be eligible to be a member of a county board or an election official.

(d) No member of a county board shall be a candidate for any office to be filled at any general election while serving on the county board.

(e) No person may serve as an election official if married to or related within the second degree of consanguinity to any candidate running for office in the current election if objection to his or her service is made to the county board within ten (10) calendar days after the posting or publishing of the list of officials.

(f)(1) Prior to the regularly scheduled preferential primary election in 2002, the county board for each county shall designate two (2) election officials per polling site to attend election training coordinated by the state board.

(2) The state board shall determine the method and amount of compensation for attending the training.

History. Acts 1969, No. 465, Art. 5, § 4, and Art. 13, § 5; 1971, No. 451, § 2; 1972 (Ex. Sess.), No. 41, § 2; A.S.A. 1947, §§ 3-504, 3-1305; Acts 1987, No. 248, § 5; 1993, No. 715, §§ 1, 2; 1997, No. 647, § 7; 2001, No. 796, § 1; 2001, No. 1822, § 1.

7-5-201. Voter qualification.

(a) To be qualified to vote, a person shall have registered at least thirty (30) calendar days immediately prior to the election and in the manner set forth by Arkansas Constitution, Amendment 51. The person shall be eligible to vote only in the county in which he resides on the date thirty-one (31) calendar days prior to the election, unless specifically exempted under § [7-5-406](#).

(b) "Voting residence" shall be a voter's domicile and shall be governed by the following provisions:

(1) The domicile of a person is that place in which his habitation is fixed and to which, whenever he is absent, he has the intention to return;

(2) A change of domicile is made only by the act of abandonment, joined with the intent to remain in another place. A person can have only one (1) domicile at any given time;

(3) A person does not lose his domicile if he temporarily leaves his home and goes to another country, state, or place in this state with the intent of returning;

(4) The place where a person's family resides is presumed to be his place of domicile, but a person may acquire a separate residence if he takes another abode with the intention of remaining there;

(5) A married person may be considered to have a domicile separate from that of his spouse for the purposes of voting or holding office. For those purposes, domicile is determined as if the person were single; and

(6) Persons who are temporarily living in a particular place because of a temporary work-related assignment or duty post or as a result of their performing duties in connection with their status as military personnel, students, or office holders shall be deemed residents of that place where they established their home prior to beginning such assignments or duties.

(c) No person may be qualified to vote in more than one (1) precinct of any county at any one (1) time.

(d)(1) Any person registering to vote by mail and who has not previously voted in a federal election in this state shall:

(A) Present to the election official a current and valid photo identification or copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter when appearing to vote in person either early or at the polls on election day; or

(B) When voting by mail, submit with the ballot a copy of a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

(2) The provision of subdivision (d)(1) of this section does not include:

(A) Persons whose applications are transmitted by state or federal voter registration agencies;

(B) Persons who are covered by the Uniformed and Overseas Citizens Absentee Voting Act;

(C) Persons covered by the Voting Accessibility for the Elderly and Handicapped Act;

(D) Persons who are entitled to vote otherwise than in person under any other federal law;

(E) Persons who register to vote by mail and submit as part of the registration any of the identification documents listed in subdivision (d)(1) of this section; or

(F) Persons who register to vote by mail and submit with the registration either a driver's license number or at least the last four (4) digits of the individual's social security number and with respect to whom a state or local election official matches the license number or social security number with an existing state identification record bearing the same number, name, and date of birth as provided in the registration.

History. Acts 1969, No. 465, Art. 7, § 7; A.S.A. 1947, § 3-707; Acts 1987, No. 248, § 7; 1993, No. 716, § 1; 1995, No. 930, § 2; 1995, No. 941, § 2; 1999, No. 1462, § 1; 1999, No. 1471, § 1; 2003, No. 994, § 2.

7-5-211. Delivery of election supplies.

(a) At least one (1) day before any election:

(1)(A) The county board of election commissioners shall designate a suitable person or persons and deliver to the person or persons the ballots as set forth in § [7-5-210](#).

(B) The person shall not be an elected official, the elected official's deputy, or a candidate for office;

(2) For each set of election officials in each precinct, the county board shall deliver to the designated person or persons the following additional election supplies, if applicable:

(A) A good and sufficient ballot box with numbered seals;

(B) Sufficient list-of-voters forms adequate to record the names of all registered voters who appear to vote in the precinct;

(C) A precinct voter registration list;

(D) Sufficient tally sheets;

(E) Envelopes to seal the ballots and certificates;

(F) Separate sheets containing blank forms of certificates prepared to enable the election officials to properly certify the result of the election, upon which certificates shall be endorsed a blank form of oath to be taken by the election officials before entering upon the discharge of their duties;

(G) Voter registration application forms for voters using fail-safe voting and other record-keeping supplies necessary to document fail-safe voting procedures; and

(H) In those counties in which an optical scanner is used to count paper ballots, the marking instrument recommended by the manufacturer of the optical scanner for proper marking on the ballots shall be provided.

(b) The county board shall be responsible for the security of the delivered election materials.

(c) The county board shall be responsible for providing ballots and election materials for absentee and early voting to the county clerk prior to the beginning day for absentee and early voting.

History. Acts 1969, No. 465, Art. 6, § 11; 1973, No. 157, § 8; A.S.A. 1947, § 3-611; Acts 1995, No. 601, § 2; 1995, No. 946, § 3; 1995, No. 963, § 3; 1997, No. 451, § 15; 1999, No. 920, § 1; 2001, No. 1178, § 1.

7-5-305. Requirements.

(a) Before a person is permitted to vote, the election official shall:

(1) Request the voter to identify himself or herself in order to verify the existence of his or her name on the precinct voter registration list;

(2) Request the voter, in the presence of the election official, to state his or her address and state or confirm his or her date of birth;

(3) Determine that the voter's date of birth and address are the same as those on the precinct voter registration list;

(4) If the date of birth given by the voter is not the same as that on the precinct voter registration list, request the voter to provide identification as the election official deems appropriate;

(5)(A) If the voter's address is not the same as that on the precinct voter registration list, verify with the county clerk that the address is within the precinct.

(B) If the address is within the precinct, request the voter to complete a voter registration application form for the purpose of updating county voter registration record files.

(C) If the address is not within the precinct, instruct the voter to contact the county clerk's office to determine the proper precinct;

(6) If the voter's name is not the same as that on the precinct voter registration list, request the voter to complete a voter registration application form for purposes of updating county voter registration record files;

(7) Request the voter, in the presence of the election official, to sign his or her name, including the given name, middle name or initial, if any, and last name in the space provided on the precinct voter registration list. If a person is unable to sign his or her

signature or make his or her mark or cross, the election official shall enter the voter's initials and the voter's date of birth in the space for the person's signature on the precinct voter registration list;

(8)(A) Request the voter for purposes of identification to provide a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter.

(B)(i) If a voter is unable to provide this identification, the election official shall indicate on the precinct voter registration list that the voter did not provide identification.

(ii) A first-time voter who registers by mail without providing identification when registering, and desires to vote in person, but who does not meet the identification requirements of subdivision (a)(8)(A) may cast a provisional ballot.

(iii) Following each election, the county board of election commissioners may review the precinct voter registration lists and may provide the information of the voters not providing identification at the polls to the prosecuting attorney.

(iv) The prosecuting attorney may investigate possible voter fraud; and

(9) Follow the procedures under §§ [7-5-310](#), [7-5-311](#), and [7-5-523](#), if the person is a disabled voter and presents himself or herself to vote.

(b) A person not listed on the precinct voter registration list may vote only in accordance with § [7-5-306](#).

History. Acts 1969, No. 465, Art. 7, § 8; A.S.A. 1947, § 3-708; Acts 1993, No. 487, § 2; 1995, No. 946, § 6; 1995, No. 963, § 6; 1997, No. 451, § 18; 1999, No. 1454, § 1; 2001, No. 471, § 1; 2003, No. 994, § 4; 2003, No. 1308, § 4.

[7-5-306](#). Procedure when voter's name is not on the precinct voter registration list.

(a) If the voter's name is not on the precinct voter registration list, the election official shall permit the voter to vote only under the following conditions:

(1) The voter identifies himself by stating his name and date of birth and is verified by the county clerk as a registered voter within the county and, if the county is divided into more than one (1) congressional district, within the same congressional district;

(2) The voter gives and affirms his current residence and the election official verifies with the county clerk that the voter's residence is within the precinct;

(3) The voter completes an updated voter registration application form; and

(4) The voter signs the precinct voter registration list.

(b) If the voter is not listed on the precinct voter registration list and the election official is unable to verify the voter's registration with the county clerk and the voter

contends that he or she is a registered voter in the precinct in which he or she desires to vote and that he or she is eligible to vote, then the voter shall be permitted to cast a provisional ballot as follows:

(1) An election official at the polling place shall notify the individual that the individual may cast a provisional ballot in that election;

(2) The individual shall be permitted to cast a provisional ballot at that polling place upon the execution of a written affirmation by the individual before an election official at the polling place stating that the individual is:

(A) A registered voter in the jurisdiction in which the individual desires to vote; and

(B) Eligible to vote in that election;

(3) The provisional ballot shall be counted only upon verification of the voter's registration status by the county board of election commissioners before certification of the election; and

(4)(A) Whenever a person casts a provisional ballot, the election official shall provide the voter written information that states that the individual who casts a provisional ballot will be able to ascertain whether the vote was counted, and if not, the reason the vote was not counted, by accessing a toll-free telephone number, Internet website, or other free access system established by the Secretary of State for that purpose.

(B) Access to information about an individual provisional ballot shall be restricted to the individual who cast the ballot.

(c) The election official shall indicate on the list of voters those persons who vote under these circumstances.

History. Acts 1969, No. 465, Art. 7, § 9; A.S.A. 1947, § 3-709; Acts 1995, No. 946, § 7; 1995, No. 963, § 7; 1997, No. 451, § 19; 2003, No. 994, § 5.

7-5-307. Election official's initials.

Before giving the voter a ballot, an election official shall initial the back of the ballot.

History. Acts 1969, No. 465, Art. 7, § 10; A.S.A. 1947, § 3-710; Acts 1995, No. 461, § 2; 1997, No. 451, § 20.

7-5-308. Ballots to remain in polling place.

No person shall be permitted to carry a ballot outside of the polling place.

History. Acts 1969, No. 465, Art. 7, § 12; A.S.A. 1947, § 3-712.

7-5-309. Voting procedure.

(a)(1) At general, primary, special, and school elections in counties which use paper ballots, the county board of election commissioners shall provide in each polling site at least one (1) voting booth for each fifty (50) registered electors voting in the last-preceding comparable election.

(2) Each voting booth shall be situated so as to permit voters to prepare their ballots screened from observation and shall be furnished with any supplies and conveniences as will enable the voter to prepare his ballot.

(3) The voting booths shall be situated in the polling site in plain view of the election officials.

(4) No person other than the election officials and those admitted for the purpose of voting shall be permitted within the immediate voting area, which shall be considered as within six feet (6') of the voting booths, except by authority of the election officials and then only when necessary to keep order and enforce the law.

(b)(1)(A) Upon receiving his ballot, the voter shall proceed to mark it by placing an appropriate mark.

(B) No voter shall be allowed more than five (5) minutes to mark his ballot.

(2) The voter shall then separate his ballot on the perforated line and personally deposit the larger portion in the ballot box provided and the smaller portion or ballot stub in the stub box provided.

(c)(1) The voter shall not be required to sign, initial, or in any way identify himself with the ballot, the ballot stub, or the list of voters other than in the manner set forth in this section.

(2) However, an election official may inspect the back of the ballot before the voter deposits it to see if it has been initialed by an election official.

(d) After having voted or having declined to do so, the voter shall immediately depart from the polling site.

History. Acts 1969, No. 465, Art. 7, § 11; A.S.A. 1947, § 3-711; Acts 1997, No. 451, § 21.

7-5-310. Privacy - Assistance to disabled voters.

(a) Each voter shall be provided the privacy to mark his or her ballot. Privacy shall be provided by each county board of election commissioners to ensure that voters desiring privacy are not singled out.

(b)(1) A voter shall inform the election officials at the time that the voter presents himself or herself to vote that he or she is unable to mark the ballot because he or she cannot read or write or because of physical, sensory, or other disability or other legal cause, or that he or she is unable to complete the ballot without help. The person may be assisted by:

(A) Two (2) election officials; or

(B) A person named by the voter.

(2) If the voter is assisted by two (2) election officials, one (1) of the election officials shall observe the voting process and one (1) may assist the voter in marking the ballot according to the wishes of the voter without comment or interpretation.

(3) If the voter is assisted by one (1) person named by the voter, he or she may assist the voter in marking the ballot according to the wishes of the voter without any comment or interpretation.

(4) It shall be the duty of the election officials at the polling site to make and maintain a list of the names of all persons assisting voters.

(c) Any voter because of physical, sensory, or other disability who presents himself or herself for voting and who then informs an election official at the polling site that he or she is unable to stand in line for extended periods of time shall be entitled to and assisted by an election official to advance to the head of any line of voters then waiting in line to vote at the polling site.

History. Acts 1995, No. 908, § 1; 1995, No. 1296, § 39; 1997, No. 451, § 22; 2003, No. 1308, § 1.

7-5-311. Disabled voters - Special procedures.

(a) The county boards of election commissioners with respect to general, special, and primary elections under their several jurisdictions shall provide voting locations which are accessible to disabled voters and shall provide reasonable and adequate methods whereby disabled voters may personally and secretly execute their ballots at the polling places.

(b) The State Board of Election Commissioners, after conferring with and obtaining the assistance of disabled persons or organizations of disabled citizens, shall promulgate rules and regulations for special procedures to be followed by election officials at voting precincts that will assist in accommodating voting by disabled voters. The regulations shall include, but are not limited to, the promulgation of the form of a special ballot,

which reasonably complies with the form of the paper ballot now provided by law, to be used by visually impaired or disabled voters in executing their ballot. Such special ballots may be used at voting places in lawful elections in this state in lieu of voting by voting machine, electronic voting device, or the regular paper ballot, when requested by the disabled person, if suitable accommodations are not provided whereby voters may cast their votes in secret except by the use of the special ballot.

(c) All rules, regulations, and procedures authorized by the state board to enable disabled persons to vote shall be designed to permit the voter to personally and secretly execute his or her ballot without the assistance of another person unless assistance is requested by the disabled voter.

(d) As used in this section, the term "disabled voter" shall mean the visually impaired and persons with physical or mental disabilities, but who are legally competent to vote in lawful elections in this state.

(e)(1) The county board shall be responsible for compliance with this section and with Pub. L. 98-435 and Title II of Pub. L. 101-336, the Americans with Disabilities Act, regarding the accessibility of voting locations for disabled voters.

(2)(A) The Secretary of State shall provide the chairman of each county board and the chairman of each county political party a copy of this section and of Pub. L. 98-435.

(B) The Secretary of State shall send the copies by certified mail.

History. Acts 1979, No. 972, § 1; A.S.A. 1947, § 3-721; Acts 1989, No. 912, § 2; 1993, No. 1192, § 3; 1995, No. 1120, § 1; 1999, No. 643, §§ 1, 2; 2003, No. 1308, § 2.

7-5-312. Challenge of voter's ballot by poll watchers, candidates, or designees.

(a)(1) During the progress of any election in this state, any candidate in person or by representative designated in writing, any group seeking the passage or defeat of a measure on the ballot by representative designated in writing, and any political party with a candidate on the ballot by representative designated in writing may:

(A) Have only one (1) representative present at any one (1) time at each location within a polling site where voters identify themselves to election officials, so as to observe and ascertain the identity of those persons presenting themselves to vote for the purpose of challenging any voter who appears for the purpose of casting a ballot; and

(B) Have only one (1) representative present at any one (1) time at each location within the absentee ballot processing site where absentee ballots are processed, so as to observe and ascertain the identity of absentee voters for the purpose of challenging any absentee vote.

(2) The document designating a representative of a candidate, designating a representative of a group seeking the passage or defeat of a measure on the ballot, or

designating a representative of a political party with a candidate on the ballot shall be presented by the poll watcher to the election official at the polling or counting location in the following form:

POLL WATCHER AUTHORIZATION FORM

Representative of a Candidate

I,, state that I am a candidate for the office of in the election. I further state that is designated by me as my representative at the election for the purpose of Arkansas Code §§ [7-5-312](#), [7-5-316](#), [7-5-416](#), [7-5-417](#), and [7-5-615](#) in precinct in County, Arkansas.

Representative of a Group

I,, state that I represent the group which is seeking passage/defeat (circle one) of the ballot measure entitled on the ballot in the election for the purpose of Arkansas Code §§ [7-5-312](#) and [7-5-417](#) in precinct in County, Arkansas.

Representative of a Party

I,, state that I am the chairman or secretary of the state/county (circle one) committee for the party with candidates on the ballot in the election.

I further state that is designated by me as a party representative at the election for the purpose of Arkansas Code §§ [7-5-312](#), [7-5-316](#), [7-5-416](#), [7-5-417](#), and [7-5-615](#) in precinct in County, Arkansas.

.....

Signature of Candidate, Group Representative, or Chairman/Secretary of the State/County Committee

Acknowledged before me this day of, 20

Notary Public: My Commission Expires:

I do hereby state that I am familiar with the rights and responsibilities of a poll watcher as outlined on the back of the poll watcher authorization form and will in good faith comply with the provisions of same.

.....

Signature of the Poll Watcher

Acknowledged before me this day of, 20

Notary Public: My Commission Expires:

I do hereby acknowledge filing the poll watcher authorization form with the county clerk's office.

.....

Signature of County Clerk

(3) The poll watcher rights and responsibilities shall be printed on the back of the poll watcher authorization form as follows:

POLL WATCHER RIGHTS AND RESPONSIBILITIES

A poll watcher may be:

- * A candidate in person or by representative designated by a candidate;
- * A representative designated by any group seeking passage or defeat of a measure on the ballot; or
- * A representative of a party with a candidate on the ballot.

Official recognition of poll watchers:

- * Only one (1) poll watcher per candidate, group, or party at any one (1) time may be officially recognized as a poll watcher at each location within a polling site where voters identify themselves to election officials;
- * Only one (1) poll watcher per candidate, group, or party at any one (1) time may be officially recognized as a poll watcher at each location within the absentee ballot processing site where absentee ballots are processed;
- * Only one (1) poll watcher per candidate or party at any one (1) time may be officially recognized as a poll watcher at the counting of the ballots; and
- * Poll watchers must display a valid affidavit in the form of a "Poll Watcher Authorization Form".

Poll watchers may:

- * Observe the election officials;
- * Stand close enough to the precinct voter registration lists so as to hear the voter's

name and observe the voter's signature;

- * Compile lists of persons voting;

- * Challenge ballots upon notification to an election official before the ballot is issued to the voter and upon completing a "Challenged Ballot Form";

- * Call to the attention of the election sheriff any occurrence believed to be an irregularity or violation of election law. The poll watcher may not discuss the occurrence unless the election sheriff invites the discussion; and

- * Be present at the opening, processing, and canvassing of absentee ballots for the purpose of challenging the vote in the manner provided by law for personal voting challenges.

Poll watchers representing a candidate or political party may:

- * Remain at the polling site after the poll closes if ballots are counted at the poll, be present at the counting of votes by electronic tabulation equipment at a centralized location, and be present at the counting of absentee ballots for the purpose of witnessing the counting of ballots by election officials; and

- * Upon request made to an election official, inspect any or all ballots at the time the ballots are being counted.

Poll watchers may not:

- * Be within six feet (6') of any voting machine or booth used by voters to cast their ballot;

- * Electioneer inside the polling site or within one hundred feet (100') of the primary exterior entrance used by voters to the building containing the polling site;

- * Speak to any voter or in any way attempt to influence a voter inside the polling site or within one hundred feet (100') of the primary exterior entrance used by voters to the building containing the polling site; or

- * Disrupt the orderly conduct of the election.

(b)(1) When the ballot of any voter is thus challenged, it shall be treated as a provisional ballot. It shall be the duty of the election officials in the election precinct to make and retain a list of the names of all persons so challenged. The following procedure shall be followed:

(A) The voter shall separate his or her marked ballot and ballot stub;

(B) The voter shall place the ballot in a single provisional ballot envelope and seal the envelope; and

(C) The voter shall place the ballot stub and the sealed provisional ballot envelope and challenge form in a provisional voter envelope.

(2) All provisional ballots shall be preserved, secured, and separated from the remaining ballots to the end that the right of any person to vote may be determined later by the county board of election commissioners or the court in which an election contest may thereafter be filed.

(c)(1) Prior to certification of the results of the election, the county board shall determine whether the provisional ballots are valid.

(2) If, upon examination of any provisional ballots, the county board suspects that a violation of the election laws has occurred, the county board may refer the matter to the prosecuting attorney.

History. Acts 1969, No. 465, Art. 7, § 14; 1977, No. 114, § 1; A.S.A. 1947, § 3-714; Acts 1987, No. 247, § 2; 1987, No. 905, § 1; 1991, No. 407, § 1; 1991, No. 529, § 1; 1997, No. 451, § 23; 2003, No. 994, § 6; 2003, No. 1154, § 1.

7-5-313. Spoiled ballots - Cancellation and return.

(a) Any voter who shall by accident or mistake mar or spoil any ballot so that he cannot conveniently or clearly vote on the ballot may return it to the election officials and receive another not to exceed three (3) in all.

(b) Spoiled ballots shall be cancelled by an election official writing "CANCELLED" on its face and initialing the ballot. The cancelled ballots shall be preserved separately from other ballots and returned to the county board of election commissioners and shall be open to public inspection.

History. Acts 1969, No. 465, Art. 7, § 12; A.S.A. 1947, § 3-712; Acts 1997, No. 451, § 24.

7-5-314. Duties of election officials - Voter lists - Voters in line at closing time.

(a) At least one (1) election official in each precinct or at each box shall mark the voter's name as having voted on the precinct voter registration list furnished by the county clerk.

(b) If a voter's name does not appear on the precinct voter registration list, the voter may vote only in accordance with § [7-5-306](#).

(c) In all counties, when the polls close, all persons who have presented themselves for voting and who are then in line at the polling site shall be permitted to cast their votes.

(d) The election officials shall then total the number of voters on the voter lists, and the lists shall be certified and attested by the election officials.

History. Acts 1969, No. 465, Art. 7, § 16; 1971, No. 261, § 13; 1973, No. 157, § 7; A.S.A. 1947, § 3-716; Acts 1987, No. 247, § 3; 1993, No. 512, § 2; 1995, No. 946, § 8; 1995, No. 963, § 8; 1997, No. 451, § 25.

7-5-315. Counting ballots at the polling site.

In counting the ballots at the polling site, the following procedures shall be followed:

(1) The votes received by an unopposed candidate in any election held in this state shall not be counted or tabulated by the election officials. The word "UNOPPOSED" shall be sufficient to insert on the tally sheet to indicate that the candidate has received a majority of the votes cast in the election. However, the votes received by an unopposed candidate for the office of mayor or circuit clerk shall be counted and tabulated by the election officials;

(2) No write-in vote in any election in this state may be counted unless the name of the write-in candidate shall have been written on the ballot in the handwriting of the person casting the vote;

(3) In counting the ballots, the ballot box shall be opened, and the ballots shall be counted by counting each ballot in turn or by counting by offices and issues. The election officials must witness the counting of the ballots and shall keep separate tally lists of the votes cast for each candidate or issue on the ballot;

(4) When two (2) or more ballots are found folded together, it shall be considered as conclusive evidence of their being fraudulent, and neither of them shall be counted. If a ballot shall be found to contain a greater number of names for any one (1) office than the number of persons required to fill the office, it shall be considered fraudulent as to the whole of the names designated to fill the office, but no further;

(5) Upon the close of the polls, the election officials shall immediately certify and attest the list of voters and continue the count to completion. If any of the election officials become sick or incapacitated from any other cause, the remaining election officials shall continue the count until it is completed;

(6) After the count is completed, the election officials shall make out the certificates of election in triplicate and immediately post one (1) copy outside the polling site; and

(7)(A) The votes received by any person whose name appeared on the ballot and who withdrew or died after the certification of the ballot or filing period ended shall be counted.

(B)(i) If the person received enough votes to win nomination or election, a vacancy in the nomination or election shall be declared.

(ii)(a) If the person received enough votes to qualify for a runoff, the person's name shall appear on the runoff ballot; and

(b) If enough votes are cast for the person to win the runoff, then a vacancy in the nomination or election shall exist.

(c) Any person who votes in an election as a result of a federal or state court order or any other order extending the time established for closing the polls may only vote in that election by casting a provisional ballot according to the procedure set out in § [7-5-306\(b\)](#). The ballot shall be separated and held apart from other provisional ballots cast by those not affected by the order.

History. Acts 1969, No. 465, Art. 7, § 17; A.S.A. 1947, § 3-717; Acts 1987, No. 248, § 8; 1991, No. 530, § 1; 1997, No. 451, § 26; 2003, No. 994, § 7.

7-5-316. Presence of candidate - Designation of representatives.

(a) After the polls have been closed, the counting of votes shall be open to the public, and any candidate or political party may be present in person or by representative designated in writing pursuant to § [7-5-312](#) at the count of the ballots in any election for the purpose of determining whether or not the ballots in any election precinct are fairly and accurately counted. The candidate, political party, or authorized representative of the candidate or political party shall be permitted, upon a request being made to an election official, to inspect any or all ballots at the time the ballots are being counted.

(b) The representatives of political parties may be designated and authorized by either the chairman or the secretary of the state or county committee, and representatives of candidates may be designated and authorized by the candidate represented.

History. Acts 1969, No. 465, Art. 7, § 15; 1971, No. 261, § 12; A.S.A. 1947, § 3-715; Acts 1997, No. 451, § 27; 2003, No. 1154, § 2.

7-5-317. Processing and delivery of election materials.

(a) After the count of the ballots is completed, all of the election returns shall be processed and delivered in the following manner:

(1) The list-of-voters form, precinct voter registration list, voter registration application forms, and other record keeping supplies shall be delivered to the county clerk;

(2) Certificates of election results and tally sheets:

(A) One (1) copy of the certificate of election results shall be posted in a conspicuous place outside the polling site immediately after the ballots are counted;

(B) One (1) copy of the certificate of election results with one (1) copy of the tally sheets shall be delivered to the county clerk; and

(C) One (1) copy of the certificate of election results shall be returned with one (1) copy of the tally sheets and reports of challenges of voters, if any, to the county board of election commissioners;

(3) Ballots:

(A) The election officials shall securely envelope the voted ballots separately from the unused ballots and place the ballots in a container with a numbered seal and then deliver the ballots with the tally sheets and other election materials to the county board; and

(B) All cancelled ballots shall be preserved separately from the other ballots and returned to the county board;

(4) Stub boxes: Sealed stub boxes shall be delivered to the county treasurer for storage.

(b) All of the election materials and returns shall be delivered to the county board by the election officials immediately after the polls close.

History. Acts 1969, No. 465, Art. 7, § 18; A.S.A. 1947, § 3-718; Acts 1995, No. 963, § 9; 1995, No. 946, § 9; 1997, No. 451, § 28; 2001, No. 797, § 1.

7-5-418. Early voting.

(a)(1) Early voting shall be available to any qualified elector who applies to the county clerk's designated early voting location, beginning fifteen (15) days before a preferential primary, general primary, general election, or general run-off election between the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday and 1:00 p.m. to 4:00 p.m. Saturday and ending at 6:00 p.m. on the Monday before the election.

(2) However, on all other elections, early voting shall be available to any qualified elector who applies to the county clerk during regular office hours, beginning fifteen (15) days before an election and ending on the day before the election day at the time the county clerk's office regularly closes.

(b)(1)(A) The county board of election commissioners may decide to hold early voting at additional polling sites outside the offices of the county clerk and to include the

additional voting locations for a maximum of fifteen (15) days on any of the days and times provided for in subsection (a) of this section, if it so chooses.

(B) The county board shall determine by unanimous vote the location of additional polling sites for early voting.

(C) The county clerk shall publish the location of additional early voting polling sites in a newspaper of general circulation at least five (5) days before early voting begins.

(2) The county board shall select the number of election officials necessary to adequately staff the additional early voting polling site or sites as in any other election.

(3)(A) The county board shall notify the county clerk of its decision to hold early voting at additional polling sites outside the office of the county clerk within ten (10) days of the decision.

(B) If the county board decides to hold early voting at additional polling sites outside the office of county clerk, the county clerk may choose not to hold early voting within the office of the county clerk. The county clerk shall notify the county board within ten (10) days of the receipt of notice from the county board regarding early voting at additional polling sites.

(4) The early voting election official shall record the date on all pages of the early voting roster or early voting request form and keep a daily record of the number of early ballots cast.

(5) The county clerk shall publish the additional hours for early voting with the location of additional early voting polling sites in a newspaper of general circulation at least five (5) days before early voting begins.

(c) Before a person is permitted to cast an early vote, the county clerk or election official shall:

(1) Request the voter to identify himself by stating his name, date of birth, and address in order to verify his registration;

(2) If the voter's name or address is not the same as that in the county voter registration record files, request the voter to complete an updated voter registration application form;

(3) Request the voter to sign an early voting roster or early voting request form which identifies his name, address, date of birth, and the date on the roster or form; and

(4) Enter the voter's precinct number on the early voting roster or early voting request form.

(d) If the voter is not listed in the county voter registration record files and the county clerk is unable to verify the voter's registration and if the voter contends that he or she is eligible to vote, then the voter may vote a challenged ballot which shall only be counted upon verification of the voter's registration status.

(e) The county clerk or county board shall furnish voting locations that adequately allow the early voter to personally and secretly execute his or her ballot.

(f) Upon casting his or her ballot, the voter shall then deposit the ballot and the stub in the appropriate box in the same manner as for votes cast on the day of the election.

(g) Early votes shall be counted at the same time as absentee ballots.

(h) Except as provided in this section, early voting shall be conducted in the same manner as voting on election day. Conduct that is prohibited or restricted on election day shall be subject to the same prohibitions and restrictions on the days on which early voting is conducted.

History. Acts 1995, No. 686, § 7; 1995, No. 948, § 7; 1997, No. 967, § 1; 1997, No. 1092, § 14; 2003, No. 269, § 1.

7-7-308. Determination of right to vote - Precinct registration lists.

(a) Before a person is permitted to vote, an election official shall:

(1) Request the voter to identify himself in order to verify the existence of his name on the precinct voter registration list;

(2) Request the voter, in the presence of the election official, to state his date of birth and address;

(3) Determine that the voter's date of birth and address are the same as those on the precinct voter registration list;

(4) If the date of birth given by the voter is not the same as that on the precinct voter registration list, request the voter to provide identification as the election official deems appropriate;

(5)(A) If the voter's address is not the same as that on the precinct voter registration list, verify with the county clerk that the address is within the precinct.

(B) If the address is within the precinct, request the voter to complete a voter registration application form for the purpose of updating county voter registration record files.

(C) If the address is not within the precinct, instruct the voter to contact the county clerk's office to determine the proper precinct;

(6) If the voter's name is not the same as that on the precinct voter registration list, request the voter to complete a voter registration application form for purposes of updating county voter registration record files; and

(7) Request the voter, in the presence of the election official, to sign his name, including his given name, his middle name or initial, if any, and his last name in the

space provided on the precinct voter registration list. If a person is unable to sign his signature or make his mark or cross, the election official shall enter his initials and the voter's date of birth in the space for the person's signature on the precinct voter registration list.

(b) At the same time that the voter identifies himself and the party primary in which he intends to vote, the election official of the party primary which the voter designates shall mark the voter's name on the precinct voter registration list furnished by the county clerk as having voted.

(c) If a voter's name does not appear on the precinct voter registration list, the election official shall permit the voter to vote only under the following conditions:

(1) The voter identifies himself by stating his name and date of birth and is verified by the county clerk as a registered voter within the county and, if the county is divided into more than one (1) congressional district, within the same congressional district;

(2) The voter gives and affirms his current residence, and the election official verifies with the county clerk that the voter's residence is within the precinct;

(3) The voter completes an updated voter registration application form; and

(4) The voter signs the precinct voter registration list.

(d) If the voter is not listed on the precinct voter registration list and the county clerk is unable to verify the voter's registration but the voter contends that he or she is eligible to vote, then the voter may vote a challenged ballot which shall only be counted upon verification of the voter's registration status.

(e) The election officials shall indicate on the list of voters those persons who vote under these circumstances.

(f) After the polls close, the election official shall total the number of voters on the list.

(g) The precinct registration lists shall at all times be available to public inspection.

History. Acts 1973, No. 157, § 4; A.S.A. 1947, § 3-126; Acts 1993, No. 487, § 3; 1995, No. 901, § 11; 1995, No. 946, § 10; 1995, No. 963, § 10; 1997, No. 886, § 7.

7-10-102. Nonpartisan election of judges and justices.

(a) The offices of Justice of the Supreme Court, Judge of the Court of Appeals, circuit judge, and district judge are declared to be nonpartisan offices.

(b)(1) The general elections for nonpartisan judicial offices shall be held on the same dates and at the same times and places as provided by law for preferential primary elections.

(2) The names of candidates for nonpartisan judicial offices shall be included on the ballots of the political parties and shall be designated as nonpartisan judicial candidates. However, separate ballots containing only the names of nonpartisan judicial candidates shall be prepared and shall be made available to voters requesting the same.

(3) No voter shall be required to vote in a political party's preferential primary in order to be able to vote in nonpartisan judicial elections.

(c)(1) No person shall be elected to a nonpartisan judicial office without receiving a majority of the votes cast at the election for the office.

(2) In any nonpartisan judicial election in which no person receives a majority of the votes cast, the two (2) candidates receiving the highest and next highest number of votes shall be certified to a runoff election which shall be held on the same date and at the same times and places as the November general election.

(3) The names of the candidates in a nonpartisan judicial runoff election shall be placed on the same ballots as used for the November general elections.

History. Acts 2001, No. 1789, § 2

Election Officials Training Session Checklist

- Arrive early to unlock doors, set up power point presentation and handouts.
- Start on time and be organized. Your audience has other commitments and will not appreciate your wasting their time.
- Arrange for a microphone or PA system so everyone can hear. Election officials are often elderly and need to be able to hear you.
- Take extra extension cords, pencils, note paper, extra copies of the workbook and any other supplies (batteries?) you might need.
- Introduce yourself and tell the audience a little about your background.
- Start out with a joke or a motivational game to get everyone inspired and involved.
- If possible, offer refreshments before or after the training as a “Thank You” to your election officials for their commitment.
- Take at least one ten-minute bathroom/smoke break.
- Limit the training to two hours maximum. Any longer and you will lose the attention of most attendees.
- Be sure to circulate a sign-up sheet or require each attendee to submit an attendance form that includes information on which polling site the election official works. You **must** track attendance in order to meet legal requirements for training, as well as for reimbursement purposes.
- Allow for a Q&A session at the end of the power point session. There may be specific issues that need to be addressed, and you can help resolve them at the training session.
- Give your election officials lots of positive feedback. They are doing a great public service and should be commended for it.

Power Point Guide

Supplies Needed:

- Laptop computer with Windows 98, 2000, or XP (with either MS Office or Power Point software)
- LCD Projector
- Mouse and mouse pad
- Power cords and connection cords
- Large screen or blank wall
- Table for equipment
- Extra light bulb for projector
- CD of power point presentation (from SBEC)
- Surge protector power strip
- Extra speakers, if using large meeting room

Hooking it all up:

- Plug in the laptop computer.
- Plug in the projector
- Connect laptop to projector with cord provided (usually with color-coded plugs)
- Plug in mouse (or remote controlled mouse)
- Turn on laptop and projector; log in on computer.

On with the show:

- Insert SBEC Training Power Point 2004 CD into CD drive slot in laptop.
- Open Power Point program (either double-click on icon; or go to “Start” and click on “Programs” and then on “Power Point”).
- To open file, click “File”, then “Open” and select CD drive (usually the D drive).
- Open “Training Power Point 2004” by double clicking on that file name in the Power Point program files.
- Click on “Slide Show” in the menu bar at the top.
- Click on “View Show”
- Adjust the focus and the height on the wall or screen (adjust front legs of projector to change height).
- Click once to advance to next slide.
- To go back to previous slide either
 - roll toward you on mouse roller, or
 - right-click on mouse and click on “Previous”

NOTE: To end show, right-click at any time and select “End Show”. Or wait until you reach the last slide and click on the final screen to end.

TROUBLE SHOOTING:

“No Signal” shows on projector: Hit Function and F3 keys on laptop, or hit Input button on projector. Also, be sure laptop is connected to projector.

No light coming from projector: Be sure projector is plugged in and bulb works.
NOTE: ALWAYS KEEP A SPARE PROJECTOR LIGHT BULB.

Laptop will not turn on: Check power connections. Be sure surge protector/power strip is turned on.

Can’t find power point presentation file on laptop: Be sure that you have properly inserted the CD into the CD drive on laptop.

Tried everything and nothing works: Call the State Board of Election Commissioners at 1-800-411-6996 for assistance between 7:30 a.m. and 4:30 p.m Monday through Friday.

RECOMMENDED:

Have your computer-savvy 12 year old or some other technically inclined person available to help you set up the equipment.

Always do a trial run before the training session starts.

If you don’t have a laptop and projector, check with local churches, schools or businesses about borrowing the equipment.